

REPORT

OF THE

JOINT SPECIAL COMMITTEE

Of Inquiry relative to the Management of Girard College.

To the Select and Common Councils
of the City of Philadelphia.

The Joint Special Committee, to whom was referred the Resolutions of Inquiry relative to the management of the Girard College, and to the circumstances connected with the removal of the late President, Major Richard Somers Smith, respectfully report,

That they have given the subject careful consideration, and have had before them all, except one, of the Directors of the College, and such other witnesses as could give information in relation to the matters referred, and are of opinion that the removal of the late President, Richard Somers Smith, from the Presidency of the College, was effected in a harsh and unnecessarily summary manner, by the majority of the Board of Directors; that though they may have differed with him as to his management of the affairs of the institution, and even as to his competency for the office which he held, yet, as a gentleman, elected to the position, he was entitled to different treatment at their hands, and when they desired the change, should have been permitted to resign his office, which would have saved both him and the College the unpleasant notoriety and discussion which the mode of removal resorted to has occasioned. A request, even for an immediate resignation, would no doubt have been complied with,

and if refused, the resolution of dismissal could then have been offered without violating any rule of propriety. The nature of the institution requires that changes in the Presidency should not be made with undue haste, and the Committee not only regret, but condemn the hurried manner in which the present removal was accomplished.

But in the further discharge of the duties devolved upon them, the Committee have felt that, under the resolutions referred, they were not merely to discuss a question of official etiquette, or of the proprieties to be observed by one class of officials to another, but that they were bound to go into an examination of the actual merits of the case, and into every question suggested, of College management or mismanagement; and this they have endeavored to do, though at a considerable expense of time and labor, and as a result of this investigation, they feel obliged to say, from the facts proved before them, that, in their opinion, the time had arrived when the best interests of the College demanded a change in the administration of its affairs.

The evidence shows that serious doubts had arisen in the minds of the majority of the Board of Directors as to the capacity of the late President to manage the institution, and those doubts were also felt by the officers of the College—some thinking him not qualified for the duties of the office which he held, whilst others of them entertained an opposite opinion. It is certain, however, that in the Board of Directors, and among the officers of the College, there was upon this subject a divided sentiment and opinion, which, if allowed to continue, would certainly have operated to the serious disadvantage of those for whom the institution was founded. Any one, placed in the position of a Director, and honestly entertaining this opinion, could not do otherwise than desire a change in the Presidency of the College, whether such opinion was correctly formed or not. The condition of affairs in the College exhibits but another illustration of a house divided against itself.

The Committee also feel that the question of fitness for the position of President is very difficult for them to pass upon; they know that a man might possess all the culture of the age, and yet lack the rare and peculiar talents requisite for the management of an institution like Girard College, and it would therefore be no discredit to any one's mental capacities

to say that he was not qualified for the position in question. As to President Smith's intellectual attainments, every one has spoken in the highest terms of praise; and yet, with the Directors, and among the officers of the College, there was, nevertheless, that difference of opinion already alluded to.

Looking at the interest of the College, rather than at the interest of any individual connected with it, the simple fact that there was a decided and irreconcilable difference of opinion as to the fitness of President Smith for the position held by him, would be reason enough for a change in that office. The College certainly could not be conducted with advantage to the pupils in it, while the authorities controlling it were at war with one another, in sentiment and opinion, upon subjects of vital importance to the management of the institution.

The charges against the President include cruelty to the boys and unkind treatment of their relatives and friends.

The whole testimony is before Councils, who can determine from it how far these charges are substantiated. The facts show that one or two unusual modes of punishment were adopted. Boys were confined in lock-ups, where they were kept for different periods, some for weeks at a time, in summer; while others were confined during cold weather, without heat. It is true that these were the most unruly boys in the College, confined for serious offences—such as absconding, theft and insubordination—but we cannot help thinking that punishment too severe which confined them for such lengths of time, without due regard for health, in lock-ups without proper ventilation in summer and heat in winter.

While the Committee are free to say that they do not find intentional cruelty towards the boys on the part of the late President, they believe that these cases have occurred from a lack of particular attention to each individual case, and an inclination to entrust too much of the discipline to under officers. One of the Professors, who has been in the College for over fifteen years, testified before the Committee, that, in his opinion, the mistake of the President was in delegating too much authority to his subordinates, and in refusing to listen to any appeals of the boys from their decisions; and that it was claimed for the President that he always upheld his officers; one of them, when he entered on the discharge of his duties, being only two years older than some of the pupils in the College.

Another charge was that of disloyalty. Against this the Committee deem it only necessary to put the emphatic denial of Mr. Smith and the record of his life, submitted by him as part of the evidence on his behalf, and found in its proper place in the testimony.

As to the charge of inefficiency in the matter of chapel service, it seems to be admitted that President Smith did not possess the ability to familiarly address the boys publicly. We believe the faculty of imparting useful and moral instruction in this manner of great importance, particularly in an institution deprived of the teachings of ministers of the gospel—the accustomed moral instructors—and consider the objection urged on this ground of great weight.

The Committee recommend the adoption of the following :

RESOLUTION

To discharge the Joint Special Committee appointed to Investigate the Management of the Girard College.

Resolved, By the Select and Common Councils of the City of Philadelphia, That the Special Committee on the subject of the removal of Major Smith from the Presidency of Girard College is hereby discharged from the further consideration of the subject.

WILLIAM F. SMITH, *Ch'n.*
W. E. LITTLETON,
SAMUEL W. CATTELL,
FRANCIS MARTIN,
CHAS. M. WAGNER.

To the Select and Common Councils
of the City of Philadelphia.

The undersigned Members of the Joint Special Committee, to whom was referred the resolution "relative to the management of the Girard College, and to the circumstances connected with the removal of the late President, Major R. S. Smith," beg leave to make the following report: In making the inquiry enjoined upon them by the resolution of Councils, the undersigned conceived it to be their duty to enter upon the investigation in a thorough and impartial manner, and submit for your consideration the conclusions arrived at, believing them fairly deducible from the testimony elicited by the examination of the witnesses.

The highly honorable position, that of President of Girard College, together with the heretofore unquestioned social and moral standing of Major Smith, have given to this subject an interest seldom excited by the dismissal of a public officer; for, although the Girard College for Orphans is a charity instituted by the direction of a private individual, we think the great public benefit resulting from it entitles its officers to be classed in the category of public officers.

Much time has necessarily been devoted to the examination of the large number of witnesses summoned before the Committee. Conflicting statements have been made, and a variety of opinions expressed, as to the competency of Major Smith to preside efficiently over the interests of the College, as well as for the proper management of the Orphan boys. In some instances they have been given by witnesses wholly incapable, from want of education and experience, of forming a correct judgment. Some of the professors and officers thought the College might have been managed with greater advantage to the pupils; such expressions of opinion must be taken for what they are worth, as doubtless each believed that had the affairs of the institution been under *his* management, it would have prospered accordingly; but after many years of trial, the Directors have not deemed it advisable to select any of them permanently, to take charge of its interests.

The evidence shows that at one of the regular meetings of the Board of Directors, called for the purpose of transacting the ordinary business of the College, and near the close of the session, without previous notice of any kind, a resolution

was offered, and passed, dismissing Major Smith from the Presidency. No charges had ever been preferred against him up to that time, and no opportunity was allowed to disprove those contained in the preamble attached to the resolution of dismissal. In spite of the most urgent remonstrances of the minority of the Board, and earnest appeals to postpone the consideration of the resolution until another meeting, it was pressed to a vote and passed. Immediately following this, another resolution was passed electing Mr. Allen to fill the vacancy made but a few minutes before. In this connection a singular state of affairs is revealed; some of the Directors having testified that this important business, viz: the removal of one President and the election of another, was accomplished without previous concert amongst those who voted for it.

No intimation had been given to Major Smith that it was in contemplation to remove him; he was thus ruthlessly deprived of his place without notice, without examination of the charges contained in the preamble, and without opportunity of meeting his accusers face to face.

Various reasons have since been assigned by the majority for this hasty and uncalled-for action; charges of indolence, cruelty to scholars, rudeness to the mothers of the boys, incompetency for the performance of the chapel exercises, disloyalty, and others of minor importance, have been made against Major Smith. No one of them has been sustained by impartial evidence, with the exception of that in relation to exercises in the chapel, and that only to a limited extent. His inability to preach extempore sermons, equal to an educated and practised minister of the Gospel, is admitted; he was not educated for the ministry, he was not a preacher, as was well known when he was elected President; he was taken from the battle field, where he was defending his country from the attacks of her deadly foes, and solicited to fill the position he occupied; under the circumstances, this may be considered a venial fault. His own moral discourses were excellent, and his selections from authors of known celebrity could not be surpassed.

As regards the other charges, so far from their having been substantiated, the testimony of the most intelligent and reliable witnesses shows they were utterly groundless and with scarcely a shadow of foundation. The manner of Major

Smith's dismissal is deserving of severe censure, but the effort since made to destroy his reputation, by charging him with disloyalty and other serious offences, we regard as entirely inexcusable and entitled to the strongest condemnation.

The discipline of the College was administered by the President firmly and in strict conformity with acknowledged regulations, but not more rigidly than was requisite for the proper control and government of an institution of such proportions.

We earnestly request members of Councils to examine carefully the evidence submitted, believing, as we do, that it not only exonerates Major Smith from fault, but proves that there are few men to be found in this community, or perhaps in any other, of higher attainments, of kinder feelings, deserving greater respect and esteem, or more capable of administering the affairs of Girard College, with credit to himself and benefit to the institution.

In conclusion, we beg leave to say, that although some members of the majority of the Board of Directors, may have been misled by their confidence in their associates, we consider it a duty we owe to the community, for the purpose of protecting the honor of our fellow-citizens, to offer the annexed resolution, and ask its adoption.

ALEX. J. HARPER,
HENRY MARCUS.
JOHN K. TYSON,
A. H. FRANCISCUS.

RESOLUTION OF CENSURE.

Resolved, By the Select and Common Councils of the City of Philadelphia, That the Members of the Board of Directors of Girard College, by whose action Major R. S. Smith was dismissed from the Presidency of that institution, are deserving of unqualified censure.

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STATEMENT.

On the 19th day of September, A. D. 1867, the following resolutions were adopted by the Select and Common Councils of the City of Philadelphia :

RESOLUTION

To appoint a Joint Special Committee of Inquiry relative to the Management of Girard College.

WHEREAS, At a regular Stated Meeting of the Board of Directors of the Girard College for Orphans, held at the College on the eleventh day of September, 1867, the following Preamble and Resolution were adopted, by a vote of ten yeas to five nays, which was two thirds of those present, and a majority of the whole number of votes in said Board of Directors.

Whereas, In order to attain a full success for the purposes of this charity, it is indispensably necessary, in the opinion of this Board, that the administration of the College should be marked by a broad, vigorous, and comprehensive policy ; that it should be so conducted as to constantly evince a hearty sympathy for its orphan children, and a reasonable respect for the interest and feelings of their relatives and friends, in order that the Institution may have the strong and sustaining influence of a favorable public opinion ; that its discipline, while firm, should never be harsh or tyrannical, so as to make the obedience of its inmates the result of love rather than fear ; that at all times and under all circumstances should the injunction of the founder be held especially sacred, to “form and foster a pure attachment to republican institutions ;” that, by a reasonable regard for the feelings and interests of its officers, a cordial and kindly relation should be encouraged and kept up towards the Institution, the President and each other ; and that finally, it should be so managed as to exhibit a more thorough and willing obedience to the wishes and intentions of the Directors, as expressed by their resolutions, adopted from time to time, or by the Code of Rules made for the government of the College.

And whereas, In the opinion of the members of this Board, the College has not for some time been conducted to their satisfaction, or in consonance with the principals enumerated above; therefore

Resolved, That the office of President is hereby declared vacant from and after the first day of November next.

And whereas, After the adoption of said Preamble and Resolution, the Directors proceeded to nominate and elect William H. Allen, LL.D., the former President of the College, to fill the vacancy occasioned by the removal of Major Smith; and

Whereas, This action of said Directors having attracted the notice of the press, and elicited a variety of opinions, both in favor and in opposition to the said change, and it being the right, as well as the duty of Councils, to restrain their Representatives from improper and unwise legislation, but to sustain all their actions tending to the proper administration of the affairs of the College, under the Will of Mr. Girard, the present training and future welfare of the pupils; and with a view of having all the facts truthfully and thoroughly developed, having a bearing upon the case; therefore be it

Resolved, That a Joint Special Committee of five Members from each Council be appointed, whose duty it shall be to meet at the College, to examine into all the circumstances connected with the removal of the late President, Major R. S. Smith, with power to send for persons and papers, and to report the result of the investigation to Councils at as early a date as practicable, and consistent with a faithful discharge of its obligations to the community.

AN ORDINANCE

Relating to the Management of the Girard College for Orphans.

WHEREAS, The late Stephen Girard, by his last Will, did give certain bequests therein contained, the residue and remainder of his real and personal estate, amounting to several millions of dollars, to the Mayor, Aldermen and Citizens of Philadelphia, their successors and assigns, in trust, among other things, for the building and erecting the College which

bears his name, and for the maintenance and support thereof, according to his directions.

And whereas, The said testator, by his said last Will, declared as follows: "In relation to the organization of the College and its appendages, I leave necessarily many details to the Mayor, Aldermen and Citizens of Philadelphia, and their successors; and I do so with the more confidence, as from the nature of my bequests, and the benefit to result from them, I trust that my fellow-citizens of Philadelphia will observe and evince especial care in selecting Members of their City Councils and other agents."

And whereas, By the terms of the said will, and the enjoinment it contains, it is the solemn duty of Councils, representing the entire people of Philadelphia, to see that the said Trust is faithfully carried out, and that it is not perverted for political or sectarian purposes.

And whereas, By existing ordinances, the Board of Directors elected by Councils are to organize and manage the said College for Orphans in conformity with the Will of the said Stephen Girard.

And whereas, It is believed that a reduction in the number of Directors, and in the terms for which they are elected, would greatly add to the efficiency of the management of said Trust: therefore

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That at a meeting of said Councils, to be held in the month of October, 1867, there shall be elected by ballot twelve citizens of Philadelphia, to be the Directors of the Girard College for Orphans, six of whom shall be elected by the Select, and six by the Common Council; and immediately after such election, the persons so elected shall meet and divide themselves by lot into two classes of three from each Council, the first class to serve for one year and the second class to serve for two years, from the first day of November ensuing their election.

SECT. 2. That at a stated meeting in the month of October of each succeeding year, the Select Council and the Common Council shall each elect three citizens of Philadelphia, to serve as Directors of the Girard College for Orphans, for the term of two years from the first day of November then next ensuing, and to supply the place of those whose term of office shall have expired; and any vacancy that may occur

in said Board of Directors arising from death, resignation, or removal from the City or otherwise, shall be supplied by a special election by the Council by which such member was elected.

SECT. 3. That the Directors so chosen shall meet on the first day of November after their election, and shall elect one of their own number to be President of said Board of Directors, and one other person not of their own number to be Recording Secretary, who shall be removable at the pleasure of the Board; and the election for President shall take place in each succeeding year on the first day of November.

SECT. 4. That so much of any ordinance or ordinances as are inconsistent herewith, be and the same are hereby repealed: *Provided however*, That the present Directors of the Girard College shall continue in office only until their successors are elected.

The Joint Committee appointed under the above resolution met at Girard College, and adopted a plan of investigation, and received a statement from the majority of the Board of Directors who had voted for the removal of President Smith, in justification of their action, and also a statement from the minority, who had opposed his removal.

By the plan of investigation at first adopted, the majority and minority of the Board of Directors were each allowed to select one of their number to represent them before the Committee, with the right to interrogate the witnesses. This rule not working satisfactorily, it was afterwards set aside, and a new rule adopted at the second meeting of the Committee, permitting all the members of the Board of Directors of the College and President Smith, to be present at all the meetings of the Committee, with the right to any of them to ask any questions which they saw fit, through a member of the Committee of Investigation. This was done in order to save time and expedite the investigation, as it was soon found that to permit the parties to interrogate each other, excited unpleasant feelings, and caused endless discussion. The Committee held frequent meetings, some of which were at the College, and others at the office of the Girard Estate, in Fifth street above Chestnut.

The following is the testimony elicited by the investigation, as taken at the different meetings of the Committee, by a Sworn Reporter.

The undersigned respectfully protest against the action of the Board just had, and against the acceptance of the report of the Committee now made, because

First. Beyond the preamble annexed to the resolution declaring the office of President vacant, no specific charges were made against that officer, nor any cause whatever shown for his removal, to the Board.

Second. Because at the time of the passage of the resolution declaring the office of President vacant, a Committee of Investigation was asked for, composed of members of the Board, as to any charges that could be brought against the President, and the appointment of such a Committee was declined by the majority of the Board.

Third. Because, although four members who voted in the majority were members of the Committee of Discipline and Discharge, no report has ever been presented by said Committee attaching blame or censure to the President, or calling in question his administration of the discipline of the College.

Fourth. Because no member of the Board has ever called the attention of the Board to any want of discretion or humanity on the part of the President in exercising or administering the discipline of the College, or offered any resolution relative thereto, or expressive of condemnation thereof.

Fifth. Because, although by the rules of this Board the President is required to be in the room during the session of the Board, until after his monthly report is read, for the purpose of answering any questions proposed to him by the members thereof, the undersigned cannot recollect a single instance in which his attention was called to the administration of the discipline of the College, or fault found therewith, or with the management thereof.

Sixth. Because no resolution was ever offered to the Board condemnatory of the action of the President of the College,

relative to the management of its affairs, since the undersigned were members thereof—extending over a period, as to some of them, of three years—except three resolutions of inquiry as to minor matters, all of which were answered satisfactorily, so far as the undersigned know.

Seventh. Because it is contrary to right and equity to condemn an officer unheard, and without giving him any opportunity to vindicate his character.

HORATIO GATES JONES,
THOS. M. COLEMAN,
A. HEATON,
C. J. HOFFMAN,
CHAS. E. LEX,
JOS. MOORE.

October 18, 1867.

STATEMENT

OF THE

BOARD OF DIRECTORS

OF THE

Girard College for Orphans,

SUBMITTED TO THE

SPECIAL COMMITTEE OF CITY COUNCILS, PHILA.,

IN THE MATTER OF THE REMOVAL OF THE

PRESIDENT—MAJOR RICHARD S. SMITH, AND

MATRON—MRS. ELIZABETH PAUL.

STATEMENT.

GIRARD COLLEGE,
Philadelphia, October 1867.

THE Board of Directors of the Girard College for Orphans respectfully submits the following Statement to the Special Committee of Councils, appointed on the 3d instant to inquire into the circumstances connected with its recent action in the removal of the President and Matron of the institution.

The Directors deem it proper to preface this Statement by an assurance of the sense of duty, honesty of purpose, and responsibility to the community, which have ever actuated them in efforts to advance the interests of the College. This assurance is necessary in view of the extraordinary exertions which have been made through the medium of the "Press" to prejudice and excite the public mind against them. The similarity of language in the articles published, and the total ignoring of the case of the Matron, whose removal simultaneously with the President was not once alluded to, *proves* this unusual effort.

The Directors would remind the Committee that changes in public institutions are not unfrequent. During the twenty years' existence of the College for Orphans, Presidents, Professors, Matrons, Stewards, Prefects, Teachers and Governesses have frequently been changed without the disturbance of the public peace. Unless it be claimed that officers are the best judges of their own efficiency and success in their several departments, this must continue to be the rule, and no such appeal to manufactured public opinion, as has been made from the action of the Board in the present instance, can with propriety be allowed.

Those who are intrusted with the control of a charity such as this, whose daily duty brings them into contact with the officers and inmates thereof, are, and ought to be, the best judges of the efficiency of those employed in the administration of its affairs, and they should without hesitation remove any officer who, from peculiarity of education, neglect of duty, or love of ease, fails to reach the requirements of the written law; nor should personal feeling or social influence be allowed to affect them in the discharge of this duty.

The creation of a Board of Directors of the Girard College for Orphans is provided for in the fifth clause of the twenty-first section of Mr. Girard's Will.

In the Act of Assembly passed February 27th, 1847, authority is given to the City Councils to carry out the full provisions of the Will.

The ordinance of Councils passed September 16th, 1847, authorizes a Board of Directors, and gives power to them to elect instructors, agents and officers of the institution, among them a President, Matron, Steward, Teachers, &c., "*who shall severally hold their offices during the pleasure of said Directors.*"

In all the various changes and appointments that have been made since the opening of the College, a period of more than twenty years, no one attempted resistance except the late Steward. Mr. William Field was elected in the year 1862. On the 11th day of July, 1866, he was removed, according to precedent, without any charge having been preferred. Instead of obeying the will of the Directors, as his predecessor had done, without delay, he commenced proceedings in the Supreme Court to prevent the Directors from removing him.

The learned Judge in giving the decision of that Court said: "The Will does not interdict the Trustees or Directors of Girard College, who stand in the place of Trustees, from changing the Steward whenever they may deem fit. The Will does not constitute him an officer to hold his position *dum bene se gesserit*. The argument that makes him such applies with equal force to every agent that it may be deemed necessary to employ for any purpose connected with the College; and in its practical effect it would be destructive of the development and efficiency of the institution. I find nothing in the language of the Will that justifies it. I cannot doubt that the Directors had a right to

“remove Mr. Field from the post of Steward, and that under the showing of this bill he *has been lawfully removed.*”

From this decision it may be fairly deduced: *First*, That every person employed in the Girard College for Orphans holds his or her office at the pleasure of the Board of Directors; *Second*, That if the Board sees fit to remove any individual in their employment for justifiable and satisfactory reasons, the party so removed should not be permitted to turn and arraign it before the bar of public opinion for the exercise of its undoubted right in the case.

A Board of Directors *must*, from its position, be the best judge of the condition of an institution, and of the efficiency of its administration, and of the necessities and reasons for such changes as will remedy existing evils.

Complaint has been made that no trial has been afforded to the removed President. The fairest and most effective of all trials is *experience*. This, for four years, has been permitted, and ends with the hopeless dissatisfaction of the Directors. The result of this, foreshadowed by incidents the teachings of which have been disregarded, is a removal and a change, which the Board reasonably anticipates will prove a satisfaction to the community and a blessing to the twenty-five score dependent inmates of the College.

The Directors acting thus, in accordance with the precedents established in former years, deem it unprofitable both for the institution and the individual that the various acts of omission or commission which go to make up their judgment, should be spread before the public; the law does not demand it, their duty does not suggest it, the interests of the College do not require it. They content themselves, therefore, with the general statement that the institution had not been conducted to their satisfaction and in consonance with certain principles which every one understanding them will be disposed to admit as right and proper.

If, therefore, the Board of Directors has only exercised a power conferred upon it by the ordinances of Councils, and enunciated by a decree of the highest tribunal of the State, in good faith and with the best motives for the interests of the College, should not Councils sustain it, and refuse to give countenance to agitation, which is nothing but the reflex of personal disappointment?

It is prejudicial to the true interests of the College and

disturbing to its discipline, to summon officers, pupils, mothers, and friends, to give their testimony from personal knowledge of what immediately concerns themselves; it will lead only to crimination and recrimination, and be productive of no substantial profit either to the removed officers or to the College.

While this is true, and the Directors would, from prudential motives, deprecate further agitation, they will not shrink from a full investigation of all matters connected herewith, if in the wisdom of the Special Committee of Councils it shall be deemed advisable and necessary to pursue it.

By order of the Board.

TESTIMONY.

October 25, 1867.

James J. Boswell, sworn.

Mr. Chairman, and Gentlemen of the Committee.

I come before you to perform, what is to me, as doubtless it is to you, a most painful duty; I come without any preparation, for I expected that the time on the present occasion would be occupied by the member who has been appointed to meet with you, and perhaps the member from the other side, the minority.

I may be, to begin where it is desirable, perhaps a little more prolix than perhaps you may think I ought to be, but it may serve as a key to unlock other testimony that will be brought before you, and I hope, therefore, that I shall have not only an intelligent but a patient hearing.

The Chairman. We are ready to hear your own statement in regard to what induced you to vote for the resolution which was adopted by the Board. Just give the facts of the case.

Mr. Boswell. In the course that I have seen proper to adopt from the sense of duty, I beg leave to be distinctly understood, that between the President of the College and myself, no other, as far as I am aware none but the most pleasant relations have existed; and I am also aware that by the step I took, I alienated to some extent some of my best friends, both in the Board and out of the Board. My connection with this institution has run over a period now of nearly thirty years. I was eleven years a member of the Building Committee, and between eighteen and nineteen years a member of the Board.

The first fourteen years we had, comparatively speaking, but few cases of severe discipline, and comparatively speak-

ing but few cases of running away or absconding. I say comparatively speaking, but few cases of running away; any errors that I may make in matters of that kind, will be corrected by others, who will furnish you probably with the statistics, so that I don't pretend to be accurate or precise. But the last few years, the number of persons running away has fearfully increased, and so have the cases of discipline. I have always been opposed to harsh and unkind treatment towards these orphans. Perhaps one reason for that was, that I was left in early life in the position that most of these boys are, without a place of shelter that the Girard College affords, and that may have led me, perhaps, to carry my sympathies occasionally too far. Most of you, perhaps all of you know that I am a working man, not a talking one. I trust, therefore, that you will make the necessary allowances.

I discovered at an early period after Major Smith had become the President of this institution, that in my judgment he was not fitted for the position. That may have been to some extent owing to his training. I suppose that it would be difficult to find a person who had been accustomed to the regulations of the army, that would be suitable to be the father, as he is expected to be, of the children of this institution.

These complaints were made to me at an early period, as well as all through its history for the past three or four years, and I occasionally obtained information from persons inside of the institution, in regard to what I consider abuses. But as they were communicated confidentially to me, I never could use them without a fear of compromising those who had given me the information.

I alluded awhile ago to the severity of the discipline. The one practice was, which prevailed to a very great extent, that of locking boys up in what is termed the lock-up rooms; rooms appropriated for that purpose. They were kept there not only days, but weeks, with nothing allowed but bread and water, and occasionally that only twice a day. In one instance, and there may have been more, a boy was kept there until his feet were so badly frosted that it was weeks before he recovered. Cases of severe flogging, where the stripes have been seen upon the backs of those boys weeks after they have been inflicted, or rather after the blows had been inflicted. And these cases are numerous. I will not

go any farther into details, in regard to the punishments inflicted upon boys in this institution. They will be furnished to you by other members of the Committee, and although I have not seen them, yet I will venture to assert that you will be furnished with that kind of testimony, that will be entirely satisfactory upon that point to every unprejudiced mind.

Mr. Smith, Chairman. I would like you to confine yourself to matters connected directly with your own knowledge.

Mr. Boswell. Well, sir; do I understand you to confine me to what I have myself seen?

Mr. Smith, Chairman. Yes, sir; of your own knowledge. What you know to exist, and the manner in which you know it to have existed. You made a remark in reference to statistics, in regard to these things on which you have given your opinion. That they will be all right, the Committee will take charge of them, and that is all there is about it.

Mr. Boswell. I confine that remark to the statistics in regard to the boys absconding. They will be furnished you by the Secretary.

Mr. Smith, Chairman. That is proper; what I referred to was your remarks in regard to another matter.

Mr. Boswell. I intended to confine myself particularly to that branch.

Mr. Smith. All right, sir.

Mr. Boswell. I complain of his violating the rights of officers, and at the same time violating the rules of the Board. The rules of the Board prohibited the President in some respects, and gave him full power over almost every other matter and thing connected with the institution, except expelling an officer who had been elected by the Board. There were two officers expelled, one of whom had served fourteen years, and another twelve years, [according to my judgment, as well as the judgment of other Directors who had come in long after that time,] well and faithful.

Mr. Harper. Were they expelled by the President, Mr. Boswell?

Mr. Boswell. Yes, sir. He was authorized by the Board to suspend any officer, and then report to the Board. Another case was that of Mrs. Eliza Linn, who had served as a governess from the organization of the institution until about two years ago.

Mr. Harper. She was expelled, was she?

Mr. Boswell. Yes, sir. Mrs. Linn—I don't know whether it would be proper for me to mention the peculiar hardships of that case; but she had just returned with the body of her dead son, who fell mortally wounded in a battle near Chapin's farm. Her little means were exhausted in bringing the body of that dead son here and entombing it, and just three weeks after that she was expelled, without any charges being brought against her, and with only one week's notice; and before or by the time that that week was out her clothing was put out of her room into the entry.

Mr. Harper. Did you say that was done without any authority from the Board of Directors?

Mr. Boswell. Yes, sir, to the best of my knowledge and belief.

Mr. Smith, Chairman. Who engages the officers?

Mr. Boswell. All the officers were appointed by the Board, and are allowed to be suspended by the President, and are under the rule and the regulation of the Board, and the Board can dismiss them or reinstate them.

Mr. Smith, Chairman. Were these cases ever reported to the Board?

Mr. Boswell. They were reported to the Board after it had been done.

Mr. Franciscus. Did the Board ever take action for the replacing of these persons?

Mr. Boswell. The Board sustained the President in the case of Payley and Berrins. I don't recollect what action the Board took in relation to Mrs. Linn.

Mr. Franciscus. When they were notified of these cases, to the best of your knowledge, with the exception of Mrs. Linn, the action was sustained by the Board.

Answer by Mr. Boswell. Yes, sir. Though not entirely by the Board.

Mr. Franciscus. By the majority of the Board.

Ans. Yes, sir.

Mr. Franciscus. You say that Mrs. Linn was qualified for her position. Do you remember whether she was elected by a large vote?

A. I am not certain that it was an unanimous one.

Mr. Franciscus. Mr. Boswell, will you allow me to ask, if any of these cases of severe punishment, which you mentioned, came under your direct notice?

A. Yes, sir. I saw the case of flogging; I saw the stripes on his back either five or six weeks after the flogging was inflicted.

Mr. Franciscus. What was the flogging inflicted for?

A. I don't know.

Mr. Franciscus. Did you ever inquire after it?

A. The Will requires that when any of the boys are unsuitable companions for the others, that they shall be expelled. I take it that it would be better to expel them than to resort to that treatment.

Mr. Franciscus. Were those cases of severe treatment of the boys ever brought before the Board of Directors?

A. They were on one or two occasions, by the Chairman of the Committee on Discipline.

Mr. Franciscus. What action was taken.

A. The parties were put on trial in some instances, and in some cases they were expelled.

Mr. Franciscus. Was the President ever censured by the Board for the punishment of these boys?

A. No, sir; not that I know of. I know of one case, and perhaps there may have been others, where mothers have begged that their boys should be expelled, in order to get them out of this institution.

Mr. Franciscus. Did the President do the whipping himself?

A. No, sir. I believe it was generally done by one of the Prefects.

Q. Under the order of the President?

A. That I don't know, certainly. I believe the President gave them authority to inflict that kind of punishment. The Board, however, sometime ago abolished that, and made it obligatory upon the President, when a boy was punished, it should be in his presence.

Mr. Littleton. Since that has taken place has there been any complaint?

A. That has been done recently.

Q. Since that, has there been any complaint?

A. Yes, sir.

Q. Mr. Boswell, was not that rule enforced some years ago?

A. The powers of the President at one time had become absolute.

Q. Had it (the punishment) ever been abolished by the board?

A. Well, as soon as the present incumbent had possession of the institution, most of the rules and resolutions which had been passed so unanimously, and which had caused the former President to resign, were repealed. So that all power pretty much was given to the President, except that to which I have alluded [*i. e.*] His power of expelling. And it was argued by those who advocated it, that as the President was held responsible for the entire management of the institution, he should have full liberty.

Q. Did he ever complain of the unusual punishment inflicted by those Prefects?

A. Never, that I ever heard of, at least.

Q. Mr. Boswell, how long ago was the punishment which you saw, inflicted? The case alluded to, or any other case?

A. I think it was last year.

Q. Since Major Smith has been in?

A. Soon after his advent here, to the present time, as I before remarked. I heard of them very soon, and was not at liberty to use the information, for fear it would compromise those, (persons.) And indeed, even now it would be difficult, unless it was drawn from them, to obtain testimony from any person within these walls, from the fact that there seems to be some uncertainty on the part of some of them who is to rule and govern here. I mention that as one of the difficulties in the way of obtaining testimony which you would otherwise have. I object to the President, on account of his not obeying cordially the resolutions adopted from time to time by the Board. In the code of rules last published it was made the duty of the President to distribute them among the officers. It was remarked by him at the time, that these rules were handed to them, that they need pay no attention to them, but go on as they had done before.

Mr. Harper. Did you hear him say that?

A. No, sir; What I state here you will have the proofs of hereafter. I mention that as one of the points.

That is what you want, I believe [*i. e.*] to know the reasons that actuated me in my vote:

Mr. Smith, Chairman: Yes, sir: Go on.

Mr. Boswell. Another matter which may be considered unimportant by many, but which in my judgment is one of the utmost importance is; that these boys receive but little moral and religious training or instruction, except what they receive in the chapel. It was made the duty of the President to officiate there at least once a month, in accordance with the Will, at least to inculcate the principles of morality as well as religion, and by the terms of the Will, and endeavor to instil into the youthful minds a love of country. I have made diligent inquiry, and I have learned that these duties were but seldom, if ever, attended to by him.

Mr. Harper. Did you say that he did not officiate once a month in the chapel?

A. Not in the way the rules required by the spirit, though they might be in the letter. I would hardly think that duty would be properly performed by a person taking a book of sermons, and reading one from it. The former President had some 269 sermons which he had written and delivered to this institution.

Mr. Harper. The former President, I believe, was a preacher by profession; was he not?

A. No, sir: Never, never sir.

Mr. Harper. Did he never officiate as a clergyman?

A. Never: He never did officiate in any way or manner whatever.

Remark. He was a Doctor of Laws and not of Divinity.

Remark. He was an educated man.

Mr. Boswell. I have put down a number of other points here that I had intended to have brought before you. But as I stated at the outset I have been called upon very unexpectedly, and I made no arrangements or preparation even to address the Committee this afternoon. And it may be that hereafter I may find it necessary to ask you to give me the privilege of addressing you further. I don't know that I shall, but if I should, I hope you will take the matter into your favorable consideration.

Mr. Franciscus. Mr. Boswell, did you ever state that one of the principal reasons for opposing Major Smith, and voting for his removal, was that he conducted the College for the Protestant Episcopal Church?

A. No, sir; I never said any such a thing. I never thought of any such thing.

Mr. Franciscus. I merely asked the question, as it has been so stated outside. I desire to ask one more question; if on any occasion you have known one of these severe cases of punishment to be administered by Major Smith?

A. I never stood by and saw him.

Mr. Franciscus. Have you ever known such a case to occur?

A. Yes, sir.

Q. Was that case reported to the Board?

A. No, sir.

Q. Under whose province does that come? What Committee?

A. The Committee of Discipline and Discharge.

Q. Are they not responsible to the Board to report any misconduct on the part of the President, as well as on the part of the boys?

A. There is no rule, written or printed, to that effect; they make such a report as they deem fit, of the cases.

Q. You have never known the Board to censure Major Smith for any punishment, have you?

A. No, sir. You asked me a question touching the Protestant Episcopal Church. I beg, if such a thing as that has obtained outside, that you will all make it a point to contradict it. I have been forty years connected with a church which grew out of that church, and I will venture to live and die in the bosom of that church.

Mr. Smith, Chairman. Have you anything else to state?

A. That is all I propose to state, Mr. Chairman.

Mr. Littleton. What are the duties of the President of the institution?

A. The duties of the President are to exercise a general supervision. He shall introduce and recommend such improvements from time to time as he may deem advisable, and his supervision should extend to every department. I might, if I had been disposed to go into details, have adverted to the sad condition of many of the buildings here. They are in a most uncleanly state, and I might also have referred to the want of a proper system in distributing the purchases made, the supplies for the College; and I might also perhaps have stated, and I have left out some of these minor details.

That notwithstanding the large number of boys we have had running away, particularly within the last, I may say, few months, it has been in the very face of a letter procured by a member of the Board from the Mayor of the City, threatening to send those boys to the House of Refuge if they were brought before him. I say, in the face of that threat, for that letter was read to the boys in the chapel, these abscondings have continued, and rather increased. Now I argue, to sum up the whole in a word, that if the President of this institution had acted as a father to these boys, these cases would have been very rare. But it was by reason of the rigid discipline, that has caused that feeling of destitution, resulting in what I have just stated. If you could go amongst the boys and converse with them, many of them would tell you that they would almost as soon, perhaps quite as soon, be in the House of Refuge as in the Girard College.

Mr. Littleton. Mr. Boswell, is the President responsible for the condition of that department?

A. He is held responsible for every department.

Q. Where are those lock-ups which you spoke of? which building?

A. I have never been to look at them.

Q. You have never been in them, then?

A. No, sir.

Q. Do the regulations require the President to take any part in the educational course of the College?

A. Yes, sir; it requires him to go through the schools, and participate in certain duties of the schools.

Q. By the Chairman. Has that rule been complied with?

A. I cannot answer that. I ought to state, for the information of the Committee perhaps, that I have for a great many years been the Chairman of the Committee on Household, which brings me into contact with almost all upon the premises, and as the duties are very considerable, which devolve upon me, I have but seldom interfered or looked after matters pertaining to other Committees, particularly that of the Committee on Instruction.

Mr. Littleton. Do you know anything about the performance or non-performance of that duty?

A. I only can tell what I have heard.

Remark. That is what we want to get at.

A. I have understood from others, that that duty has not been attended to as it should have been.

Mr. Franciscus. Is it the duty of the Committee on Household to see that the houses are kept in order, or know if they are not in order?

A. No, sir.

Q. What constitutes their duties?

A. The Committee on Household is charged with the duty of attending to the supplies, the subsistence and clothing; but you will perceive at once, that it would be utterly impracticable for a person to attend to that duty, and then to go around as often as it is desirable that he should go, if he had to attend to that duty.

Mr. Littleton. Have you examined the condition of the sleeping rooms lately, as to the condition of the beds and bedding?

A. Yes, sir.

Q. What condition have you found them in?

A. Well, sir: in reply to that question I trust the Committee will look to that themselves; that would be the best answer.

Mr. Littleton. I think that we want to get at the fact of the College management.

Mr. Boswell. And I think that that is the proper way.

Mr. Littleton. I want to ask you a further question. Did you ever have any reports from the President upon that question?

A. No, sir! The monthly reports after exhibition were to the effect that everything was in good order, and good condition.

Mr. Littleton. You spoke of the boys being sent to the House of Refuge.

Were any boys sent to the House of Refuge?

A. I have been informed that there were; if so, they were not reported to the Board, at least no recent cases. I think a year or two ago one or two were sent there.

Q. Was that done by the action of the Board and the recommendation of the President.

A. I have been so informed; that question you will put in some other form to the Committee on Discipline and Discharge.

Q. Mr. Boswell, could you state what were the crimes of those boys, where there has been so much severity used by Major Smith?

A. I have been told that several of the offences were what might be considered very slight ones, disobeying some order, and something of that kind; but none that would call forth, in my judgment, such punishment as that. Well, I think there is one item that I have not been asked; it would go to show that there was a want of proper oversight in this institution, that was made the subject of report by the Chairman of the Committee on Discipline and Discharge, if I mistake not. That three of our pupils here had intercourse [criminally of course] with one of the servants for months; several months, and she proved to be in the family-way, and it was charged upon one of the pupils. But I do not know whether that was a fact or not, whether it was one of the pupils. But they admitted, [I believe three of them] that they had intercourse with this girl for some months. Now, I think if there has been that kind of supervision on the part of the head of this institution, it is wrong; these things ought not to have happened; that is my own judgment! And these things that I have stated made me act as I did, when the question came up terminating the relation between the President and the College. Much has been said and a good deal written in regard to it. And, that I apprehend, is where the Board is most liable to censure. That they did not give the President an opportunity of being heard; well you all know that if this thing had been held in abeyance what would have been the result. In all probability these punishments would have been continued. In other words, we would not have been able to accomplish any change.

Mr. Harper. Mr. Boswell, are there not a good many bad boys about this institution?

A. I should think there were. I don't see why there should be more now than years ago.

Q. You think there are a good many. What is the proportion? There are five hundred, are there not?

A. Yes, sir; there are five hundred and over.

Mr. Lex. Just five hundred.

Mr. Harper. What proportion do you consider bad boys?

A. Now that would be exceedingly difficult to determine. I have understood from the Committee on Admissions that the

boys admitted for a year past have generally speaking been of the better character than these we have had heretofore.

Mr. Harper. I don't ask to know anything about them. I want to know whether you know the proportion of bad boys there are in an institution of this kind? Whether you have examined as to the proportion.

A. Well that is a question which is rather vague and indefinite; that would depend upon what was a bad boy.

Chairman. What are the ages of these boys when admitted into the institution?

A. They will average from seven to seven and a-half, or seven to eight. The Will provides between the ages of six and ten years.

Mr. Harper. Were there ever any charges preferred against the President of this institution?

A. No, sir. No formal charges.

Mr. Franciscus. Will you be kind enough to state the ages of the boys that had these severe punishments?

A. Well, sir, from my own observation, and from the information derived from the Committee they have been from 11 to 13 or 14. There may have been exceptions; some may have been older, and some younger.

Mr. Harper. By whom were the preamble and resolutions, dismissing the President, prepared?

A. That I don't know, sir; I never saw it until it was offered.

Q. Do you know who offered it?

A. I don't recollect; I think it was Mr. Haines who offered it, whether he did or not, I do not know.

Q. Can you tell which of the Directors took part in the caucus in which it was arranged that this thing should be done?

A. I have no knowledge that any caucus was held. I never attended any, and I never heard of any being held.

Q. It was done without any preconcerted action, was it?

A. Well, one member called upon me the day before, and told me that such action was contemplated, but I am not aware that there was any meeting held. If there was, I was not at it, and don't know anything about it.

Chairman. It was submitted to you, and you approved it?

A. No, it was not submitted to me.

Q. You met at the Board?

A. Yes, sir.

Mr. Harper. Do you know among the Directors who had this in charge, who prepared these resolutions?

A. I have no recollection of ever having seen it before it was presented before the Board.

Q. Do you know what passed, what you based your action upon, except what came up at that time.

A. No, sir.

Mr. Littleton. You don't know of anything else to base your action upon, except what you received at that time?

A. No, sir; I think that I knew enough. You thought I stated this afternoon, that I had nothing until the preamble and resolutions were presented to the Board. I wish to correct that information.

Chairman. The question was as to whether there had been a caucus, where this had been acted upon. You answered that, except this proposition was submitted to you, and that you voted for it.

A. There was no meeting or caucus, that I am aware of, held.

Chairman. The truth was, there had been a formal caucus, and you had only been called upon by A & B.

Mr. Boswell. Mr. Harper asked me a question that I did not answer, because I am not able to do it. He asked the number that I supposed that were bad or vicious boys in the institution; of course I have not the means of even approximating as to the number.

Mr. Harper. Had the President of the institution any notice whatever of the intended action of the Board at this meeting?

A. He had no formal notice, that I am aware of.

Q. Had he any notice?

A. The President, I presume, was aware for a long time, owing to there being a want of cordiality and good-feeling between him and the members of the Board. The feeling that his administration was unsatisfactory.

Q. Had there been any notice given to you by the Directors, that an action on the question would be brought before them at the Board?

A. No, sir; not that I know of.

Q. How many were present at that meeting of the Board?

A. I think there were fifteen or sixteen members.

Q. How many does the Board consist of?

A. Eighteen.

Q. How many voted in favor?

A. Ten.

Mr. Littleton. I want to ask you one question.

Q. Are you crowded here at present for accommodations, or have you plenty of room?

A. Yes, some of them; some of the rooms are crowded. But we hope such a time will soon come and is now coming, when we will be able to take some of those rooms now used for look-ups, and put the boys there.

Mr. Littleton. Are the rooms more crowded than they were formerly?

A. They are not more crowded than when we had six hundred in.

Q. Are they more so than in the former administration? Is there any more boys in any one room?

A. I am not aware that there are.

Q. Are there any unoccupied rooms? These rooms that are referred to. How much of any one building is unoccupied at the present time?

A. Well, that I don't know. The rooms have been changed about so often, that unless a person goes about often to look, he don't keep the run of them.

Mr. Littleton. In reference to these chapel services. Who has performed the service in the chapel generally?

A. Well, if the Committee will allow me to advert to former usages, the former Board made a point of attending to them. They made out a list of some twelve or fifteen persons, any of whom they authorized the President to invite, and no others, so that the matter was not left discretionary with him. I remember on several occasions, I invited myself, at his earnest request, Judge Allison, and he performed the service very acceptably. I believe, I may say in addition, that the President of the Board officiates twice a month.

Q. Mr. Littleton. How often has the President of the College officiated?

A. I have never heard of his officiating but a very few times. I could not say how many.

Q. Have any of the other officers of the College officiated?

A. I have understood that one of the Prefects officiates occasionally, and perhaps one or more of the Professors.

Q. By the Chairman. Mr. Boswell, have you any data or

knowledge by which you could tell about the average ages of the boys in the College, now? About how old they are?

A. No, sir. I have no data.

Chairman. My object was, in calling up the question of Mr. Harper, to ascertain first, that these boys come into the College at the ages of seven or eight, when their bad habits ought not to be fully developed. Now, whether they get bad in here, or whether they were bad before they come in; that was the only thing.

Q. Mr. Martin. You said you objected on account of his not obeying the rules. What rules are they, that was one of the objections you had?

A. I instance the case of Mrs. Linn; expelling her contrary to the rules of the Board, without first suspending and reporting her. I instance another case, when the rules were distributed among the Professors. That they were told to disregard them; or that they were told to go on as they had done heretofore.

Q. By Mr. Lex. In the distribution of household matters, that is, sugar, tea, and coffee, does it not devolve entirely upon the Steward? Has the President any control over it?

A. I consider the President has control over every department, and if there are any irregularities, or anything wrong, I, as a member of the Board, expect him to report.

Q. Has not the President reported frequently, the refusal of the Steward to communicate to him. Didn't he bring that particularly before the Board as a communication, about the commencement of this year? About the spring of the year, either May or June?

A. I remember about the time there were some difficulties between the President and the Steward. The Steward alleged that it was a want of a perfect knowledge of the duties devolving upon him by the rules.

Q. The allegation was on the other side, that the Steward knew his duty, and he had a book which the President had prepared, showing the disbursements of the College, was it not?

A. That was the subject of the controversy at that time.

Q. The case of the boy's feet being frosted—when did that occur? How long ago, sir?

A. I don't recollect exactly.

Q. Has it not been more than three years since?

A. I don't know how long it has been. I adverted to the case, because I saw in the hands of one of the Committee, a written testimony sworn to, and which will be presented to the Committee, and that matter will be cleared up without answering again upon my part.

Q. Did you ever see the boy yourself?

A. No, sir.

Q. You know nothing except what has been told you?

A. I know what I have seen.

Q. No personal knowledge?

A. No.

Q. These boys, who have had marks appearing upon their backs—how many of them have you seen?

A. I have only seen one. I never did see but one.

Q. When did you go to see him? The case of the boy Stevenson was before my entrance into the Board. Has that been more than four years ago?

A. No, sir.

Mr. Littleton. Was that the boy with the frosted feet?

A. No, sir.

Q. It was before I was a member of the Board.

A. No, sir, I don't think it was.

Q. He was whipped by Mr. Sheridan, was he not?

A. I think he was.

Q. Was it not reported to the Board by Mr. Smith?

A. I have no recollection.

Q. Was not the case heard by the Committee on Discipline and Discharge?

A. I am not certain about that.

Q. And was it not referred back to the Board?

A. I have no recollection of the action of the Board, or of the Committee. I recollect of going to see that boy's back and looking at it, but as to days and dates I am unable to give them. It is in the records of the College, because it was before my time.

Q. Do not the records of the College show that the action of the President and Committee was confirmed by the Board?

A. If it was, I have no recollection of it. If it was subsequent to my coming into the Board, I am pretty sure I did not vote for it.

Q. Subsequently to your coming into the Board, or not, did not the case of Mr. Sheridan again come up?

A. Not that I recollect of.

Q. Did not Major Smith report adversely against his confirmation, stating that he could not ask the Board to confirm him?

A. That may be the case, but where there are matters of record, I don't charge my mind with them.

Q. Was not there an opposition of the votes of four or five against Mr. Sheridan?

A. I refer you to the records for an answer to that.

Q. How many boys were there in the College in 1853? You were a member of the Board at that time.

A. About three hundred.

Q. Was you a member of the Board at that time?

A. No, sir: I was not a member of the Board the year I was in Councils, and one other year I was not a member: and that was the year that one of the political parties were in the ascendant, and abolished the organic law and turned out the whole Board. I have been in the Board, with these exceptions, from its organization to the present time.

Q. Was there not during Mr. Allen's administration a great many boys running away?

A. The records will show.

Q. I ask whether they will not show eighteen boys running off?

A. All these questions will be answered by the records.

Q. During that time, was not the lock-up in use?

A. Part of it, not the whole of it. There may have been one room.

Q. From the very commencement of the College, has not the lock-up been used as a place of punishment?

A. I believe it has: but boys have never been kept there thirty days.

Q. Do you know of your own knowledge, that they have been kept there thirty days?

A. No, sir. I have not seen them.

Q. Now I ask, does not the President remain until after his monthly report has been read?

A. Yes, sir.

Q. For what purpose?

A. He is asked to remain, in order to explain anything in his report that may be asked.

Q. Are not all members invited to ask the President about matters connected with the discipline of the College?

A. Yes, sir.

Q. Did you ever hear Major Smith, during the time that I have been in the Board, ever asked as to the administration or discipline, or faults found with the discipline?

A. I will state, that that was a matter that has become—I was going to say, obsolete. I suppose, for six months past—or several months past—not a single question has been asked.

Q. Well, I did not care about that.

A. Well, you may get a little more than you desire.

Q. Has not each member of the Board a right to ask any question: and has it not been done frequently?

A. The questions have not been very frequent.

Q. Well, he is there for that purpose.

A. Yes, sir.

Q. Now, sir; during the three years has the Major, on any occasion, been asked as to the administration, or any fault found?

A. No, sir; not that I know of.

Q. During that time has the attention of the Board ever been called to matters of discipline?

A. Not that I am aware of.

Q. In relation to those boys that you spoke of, as having unfortunately been charged with getting the girl with child, was not that matter brought before the Board by the President?

A. I think it was.

Q. Was it not referred to the Committee on Discipline, and didn't they report?

A. Yes, sir.

Q. Didn't the Board refuse to expel those boys?

A. I think so.

Q. Did not they order me to reprimand them?

A. Yes, sir.

Q. Was there any censure passed upon the President?

A. None at all.

Q. Let me ask you, whether these were not the facts in reference to these boys detailed to the Board. These boys

were detailed to attend to the boys taking baths in one of the lavatories; the whole section being in the lavatories bathing, these two boys were detailed, they were to furnish soap and towels for the boys in the bath; after the section had bathed, these two boys remained for the purpose of having their own bath; and while naked, this girl, who was about the College, made her appearance, and tempted these two boys, and they both succumbed; subsequently, after they participated at this time, and in the section rooms having been sent down as boys are, they went down stairs to make water, and met her and carried on this affair, until conscience smote one of them, and they gave it up voluntarily. Was not that the testimony before the Board?

A. No; I don't recollect whether that was the testimony or not.

Q. Was not that the report of the Committee?

A. I stated the fact, and the inference was, that if these boys had been properly looked after, there would have nothing of this kind occurred.

Q. How many male Prefects have we?

A. Four; including the shoe man, five.

Q. How many boys have they in charge?

A. I do not know.

Mr. Lex. About sixty apiece?

Q. Is it possible for these Prefects to be perpetually with all these boys? Are they not obliged to go about?

A. I think when one leaves, he ought to have another to look after them.

Q. During Mr. Allen's administration, was not there a girl found with child about the premises?

A. I never heard of it; Mr. Chairman, allow me to say, sir, that I don't see that many questions asked here have any relevancy to what the Committee want to get at, at all. I was asked just now, whether the President was ever asked any questions by the members of the Board, while the fact is, sir, the members of the Board saw there was no use of asking any questions; that if they had any to ask, and there was any chance, Mr. Lex would always pooh! pooh! it down and explain it away, and use his utmost efforts to screen the President of the College from any pleading of charges that might be made against him, and it was that kind of thing that deterred members of the board from asking questions

at all. It deterred me, I know, and you will find from the testimony of others that it deterred them.

Mr. Littleton. You are satisfied then, from your own knowledge of the affairs, that Major Smith was not qualified to perform the duties of the institution?

A. I am thoroughly satisfied.

Mr. Wagner. He is intellectually qualified in point of education, general deportment, only that he was too severe a disciplinarian; too rigid.

Mr. Lex. In relation to Mrs. Linn, was not her expulsion justified by the Board?

A. No.

Mr. Lex. The records will show that. Did not the Board sanction it?

A. The Board, as it was constituted then, would sanction anything. The Committee only have to go and see the records, that will show the vote; that will show who voted.

Q. Was not Mrs. Linn charged with having written a letter, an impertinent letter, to the Matron; was not that letter produced?

A. I saw that letter.

Q. Was not that the charge?

A. There never was any charge formally made.

Q. Did you not mention to Mayor Henry, to Alexander Henry, that the only trouble and only difficulty in the College was, that the Major and myself were trying to turn it into an Episcopal Institution?

A. I don't recollect.

Q. Didn't you tell him so within four weeks?

A. I do not recollect that I did.

Q. Mr. Boswell, before you were elected in the summer or in the spring, did you not pledge yourself to vote against Major Smith?

A. No.

Q. Did you not do so to Mr. Evans, of Councils?

A. No, sir; or no other man.

Q. Did you not tell me on the 21st of May, on Mr. Girard's birth day? Did you not tell me that that was the test of our election to the office of Director, Smith or no Smith?

A. No! no! I do not have any recollection of stating that to you, or to anybody else.

Q. Have you ever been present in the College, at the exercises in the chapel, for the last six months?

A. No.

Q. Then you do not know whether the President has preached or has not?

A. I only know from inquiry.

Q. Then you do not know, that since the rule requiring him, adopted about the beginning of the year, you do not know that he has not fulfilled that rule?

A. I do not.

Chairman. That is of your own knowledge?

A. Not of my own knowledge; I wish to state here, that it was not my intention to have dragged in any religious matter, but I mentioned to one or two that it bid fair to be an Episcopalian Institution. That we had a President of the Board, the President of the College, Chairman of the Committee on Instruction, and a large proportion of the teachers, all connected with that church.

Q. The boys sent to the House of Refuge; were they not sent by the order of the Board?

A. I don't recollect. I understand some have been sent that the Board did not know anything about.

Mr. Lex. Not that I am aware of, since I have been President of the Board.

A. I don't know whether they have been or not.

Mr. Franciscus. I believe I asked you about the same question that Mr. Lex asked—about this institution; your objection to Major Smith was, that they were making this a Protestant Episcopal Institution?

A. No, sir, I never said that.

Q. You did not say that to Mayor Henry?

A. No, sir; I may have remarked, in conversing with Mayor Henry, that I was fearful that there was a religious element entered into on the part of the minority; and then I related this as a simple fact, without deducing anything from them.

Chairman. Upon the principle that they could put two and two together, and draw their conclusions?

A. Yes, sir; I simply mentioned it as a fact.

Mr. Littleton. The book which the President read his sermons from—do you know the name of the book?

A. No, sir; I heard Mr. Heaton say that he read from a

book; and he was applauding it very highly,—a sermon from an Episcopal writer, I forget his name.

Mr. Franciseus. Was not that a book of sermons written for boys, by Dr. Newton?

A. I don't recollect.

Q. Do you know the reason why he did not deliver any original discourses to the boys?

A. Well, I think he has not the faculty of doing that kind of thing. There are some men who are not apt in addressing youth and boys; and then I infer that he did not want to devote the time necessary to prepare himself for that matter.

Q. Mr. Littleton. Was it the custom of the former President to pay a particular attention to that duty?

A. Yes, sir; always.

Q. Was he well qualified for that position?

A. He never missed from year-end to year-end, when he was in the city, that he did not address the boys.

Q. Then it was customary for the President to deliver such discourses to the pupils?

A. Yes, sir; and these sermons were always written, though they might be delivered extemporaneously, apparently. They were prepared so that if any exceptions were made they could be referred to at any time.

Q. No exceptions were made?

A. Never that I know of.

Q. Mr. Chandler read and wrote his for the same reason? Do you know of Mr. Smith's writing any discourses?

A. I never heard of one, sir.

Q. Did you know that he did not, Mr. Boswell?

A. I don't know anything about it; I have inquired, but never learned that he did.

Mr. Harper. Did you inquire of Major Smith himself?

A. No, sir. Mr. Chairman, I regret exceedingly the questions asked by Mr. Lex in relation to religious matters, simply from the fact that, if it should get abroad among the people, that this is any kind of a religious matter, it may be carried to a much greater extent than any one present would expect.

Mr. Harper. Don't you think the fact of your having taken that action yourself in the public streets, that that would be very apt to spread it?

A. Well, now, the public action I took upon it was this:

I had a short talk only in the street with Mayor Henry, and he was talking about the College. I suppose the whole time did not occupy three minutes. I merely adverted to that incidentally.

Q. Is Mayor Henry an Episcopalian ?

A. I do not know whether he is or not ?

Chairman. He is.

Mr. Lex. I would like to put myself straight. Was not I invited by Mr. Allen to officiate in the chapel on Sundays ?

A. I think you were ; I don't recollect.

Mr. Lex. The third Sunday I was in the habit of coming out here. Mr. Welsh was in the habit of taking the fourth. was he not ?

A. I hope you will be invited again ; I have no objections to that.

CYRUS R. MORGAN, M. D.

Sworn Reporter.

October 30, 1867.

James J. Boswell, (continued.)

Mr. Chairman, and Gentlemen of the Committee :

When I last appeared before you, as I stated at the time, it was without any expectation of being called upon to make any statement on that occasion ; my remarks therefore were, as might have been expected, somewhat crude ; and it was my intention, and for that reason I made the request that I did, for the privilege of appearing before you again. It was my intention at that time to have obtained some testimony which was accessible to me. But finding, in my judgment, that there is enough of that, I appear before you this afternoon for the simple purpose of inquiring, in the first place, whether or not the religious element which inadvertently has been dragged out into this controversy, if I may so call it, which I greatly deprecated at the time, is to be continued. If it is to be continued, I desire to make some statements in regard to the answers I made on that occasion, when I was before you.

Chairman. If you ask the Chairman, he would say, on the part of the Committee, that there is no desire to drag any such statements, as whatever was said on that matter has been said by your own self during the cross-examination.

Mr. Boswell. I asked the question, because I find that I have been placed in a position that I do not wish to occupy, by a portion of that that ought to have been kept with the Committee and those who were present, appearing in some of our daily papers, or Sunday papers.

Chairman. We have already discussed that matter.

Mr. Boswell. I don't know how it got out, sir; an effort is being made to make an impression upon the public mind, that I was influenced in my vote which I recently gave, dissolving the relation between the President of Girard College and that institution, that I was governed by sectarian feelings, that it was because President Smith was an Episcopalian.

Chairman. Was that the reason you voted against him?

A. No, sir; that is exactly what I want to say to this Committee, and to others; that that never had the slightest effect upon me in all my intercourse with President Smith; that thought never entered my mind at any time; much less has it had any influence upon my vote or my action.

Mr. Littleton. Mr. Boswell, does the fact of Mr. Allen's being a Methodist, have any influence upon your vote?

A. No, sir; when I voted for Mr. Allen, eighteen years ago, I did not know that he was a member of any church, nor did I know to what church the present incumbent belonged when I voted for him. I have laid more stress upon this than I probably otherwise should, because I find that a private, confidential conversation that I had with the former Secretary of the Board of Directors and ex-Mayor Henry, was detailed by him to Mr. Lex.

Chairman. That was explained.

Mr. Boswell. I wish to say further, because the question was asked, if I knew at the time that Mayor Henry was an Episcopalian, or a member of that church. I desire to say, in reply to that question, that it never even occurred to me to what church he belonged; it never entered into my thoughts to consider or to inquire; but about the same time I had a conversation, having met him in a business way, with D. B. Cummings, President of Girard Bank, and I

mentioned incidentally the same things to him that I did to ex-Mayor Henry.

Mr. Cattell. Permit me to ask, what has that to do with Mr. Boswell's vote upon that occasion?

Mr. Littleton. It is in explanation.

Mr. Boswell. If the cross-examination was to go before the public, it would form a very important part of your proceedings. That is precisely what I wanted to come at, as I stated at that time none would regret more than myself the fact that this religious matter should enter into this; and having been satisfied upon that point, sir, I have but little more to say, only remarking that upon a former occasion I gave you from remembrance a general outline of the management of Girard College, and that it was the want of good management that made the general impression upon my mind that governed my vote. I don't think it necessary or important, indeed I had not the opportunity at that time, to fill up these outlines, knowing as I did that they will be filled up by others who will follow me.

Mr. Wagner. Mr. Boswell, how long before the action of the Board in removing the President, did you know of such action being contemplated?

A. I should think about twenty-four hours.

Q. By Mr. Littleton. Whom did you visit, or who visited you, in consultation on that subject?

A. I never visited anybody; I don't recollect who visited me; I think Mr. Frye was one, and I am under the impression that some one else, some other member, I don't recollect whom.

Q. Some other member of the Board?

A. Yes, sir.

Q. When did these consultations begin, and how frequent were they?

A. I have already stated that, sir; that I did not hear anything of it until, I think, the day before.

Q. When did Mr. Allen first call on you, and how frequently did he call?

Mr. Boswell. In relation to what?

Mr. Wagner. In relation to his re-appointment to the Presidency.

A. I have no recollection of seeing him but once, and I

don't know that I have seen him, for the last two or three years, oftener than once in every three or six months.

Q. By Mr. Littleton. Did Mr. Allen call upon you before this change by the Board?

A. I saw him some time after that accidentally, but not with reference to his being elected President.

Q. Mr. Wagner. Did you see Mr. Allen immediately preceding the change?

A. I don't recollect how long before the change; I know that he was in the habit of occasionally calling upon me from the fact that he was one of the Professors in Dickinson College when I was a Trustee, and we there became acquainted, as well as his having been President of Girard College for fourteen years, during which time I was a Director; and after he left College he was occasionally in the habit of calling on me.

Q. Did you see him within a month prior to the removal of Major Smith?

A. I think I did; I am not certain.

Q. Did he ask you to vote for him?

A. I have no recollection of his asking me any such a question; and, in fact, I was quite sure, when it had been determined by the Board to dismiss Major Smith, that no one in particular had been agreed upon.

Q. Did Mr. Allen converse on the subject of the Presidency? Did he converse about it with you?

A. I do not think he did; I know he said, on one occasion, that he would not do anything about turning out the present incumbent, but if a vacancy occurred, and he was invited by the Board, he would fill the position; in fact, I asked him that question almost every time I met him, or occasionally.

Mr. Littleton. You put the question to him?

A. Yes, sir.

Mr. Wagner. This was in reply to what you had said to him in reference to that question?

A. Yes, sir.

Q. He never asked you to vote for him?

A. I do not recollect that he did.

Q. Did you consult, previous to the action of the Board on the 11th of September, with any of the members who opposed this action?

A. I did not know who would oppose it.

Q. Was there any consultation previous to that time?

A. No, sir; there was no consultation, on my part, with anybody.

Q. No caucus?

A. No, sir; there never was any caucus held, as far as I know, or as far as I am informed.

Q. Was there any agreement between you and any member or members, in which the contemplated action of the Board formed a part?

A. I have no recollection of any such agreement.

Q. No articles of agreement, or nothing said in reference to it?

A. No, sir.

Q. Had you not, before Mr. Allen offered his resignation, stated to a former member of the Board that he was inefficient, and that you desired that this former member should vote for his dismissal, or with a view to his resignation?

Mr. Littleton. I object to that question, as put.

A. No, sir; I never said that, nor ever thought it; but I have on all occasions stated, when an opportunity offered, distinctly and emphatically, that if the whole length of the land and breadth of the land was searched, every city, town and village, and every nook and corner, that no man could be found better qualified, in my judgment, to fill that position, as Mr. Allen, and when his resignation was presented to the Board, there was certain resolutions highly eulogistic of him, and his efficiency and his management, which were adopted by the Board unanimously.

Q. Did you not call upon Luther Martin, a former Director, and state to him that Mr. Allen was inefficient, and that you would like him to resign, and would also like him to vote for his resignation?

A. Well, I think I have answered that pretty fully, and would state again, that I never had any such conversation with Mr. Martin, or anybody else.

Mr. Littleton. Have you seen the bill in equity filed by President Smith?

A. Yes, sir.

Q. Did Wm. H. Allen call upon you, and urge the removal of Major Smith?

A. No, sir.

Q. And urged his own election, as it is charged in that bill?

A. No, sir.

Q. Mr. Harper. I did intend to ask Mr. Boswell one question, whether he ever had any conversation with Mr. Allen in relation to the change that was about to take place in the Presidency of the College?

A. I don't recollect that I had. As I stated before, I knew but little about it until the day before this transpired.

Q. Did Mr. Allen ever say to you, in case there was a vacancy he would like to have the place back again?

A. I don't recollect whether he ever said so in so many words. I know when I used to meet him—we met occasionally after he had left the College—that I expressed to him a wish, on account of his faithfulness and efficiency in the management of the College, that we should like to have him back again. And I was under the impression that that for several years was the wish of quite a number of the members of the Board.

Q. I think you stated a while ago, that some gentlemen had called upon you before this action had taken place, Mr. Frye, or some other member of the Board?

A. Yes, sir.

Q. Will you state what conversation you had with them at that time?

A. Yes, sir; that conversation was in my office, and during business hours; and it was a very brief one. I think the purport of it was, the action that was proposed to be had on the following day at the meeting of the Board.

Mr. Chairman, and Gentlemen of the Committee:

I am very much obliged to you for the patience with which you have heard, as I said before, my crude story.

William C. Haines, sworn:

Q. By Chairman. Mr. Haines, you are a Director of Girard College?

A. Yes, sir.

Q. You are one of the gentlemen who voted for the resolution of dismissal of Major Smith?

A. Yes, sir, I did.

Chairman. You will now be kind enough to give to the Committee your statement, which influenced your vote upon that occasion, in as short and concise a manner as you can.

Mr. Haines. I have a few reasons, which I have made a note of, which governed me in my vote in removing Mr. Smith. In the first place, I voted to remove him from the position which he occupies, on account of his refusal to obey the resolutions of the Board.

Mr. Harper. In what respect did he refuse to obey them?

A. After the Board had elected Mr. Hartley the Steward of the College, he refused to recognize him as the Steward, and continued to recognize Mr. Field, the former Steward.

Q. Was there not a question pending before the Courts at that time, in relation to the Steward?

A. There might have been. I think there was. I voted to remove him, sir, because of his refusal to obey the code of rules adopted by the Board of Directors. I voted against him on account of his allowing inhuman treatment to the children; in allowing them to be put up in a cold lock-up, over periods ranging from one week to three months. Allowing children to be whipped unmercifully, with nothing on but an undershirt, so that the welts could be seen for days and weeks afterwards.

Taking a boy from the infirmary, whilst sick in bed, to the chapel, said boy being taken back from the chapel, and died within, I think, an hour or two afterwards.

Allowing such a thing as compelling the boys to obey calls of nature in the same room where they were confined for punishment.

Whipping children for trifling offences, in the presence of their friends and relatives, without regard to the feelings of these friends and relatives.

In one instance during the month of April, when the weather was damp and cold, imprisoning a child in the lock-up for eight days without fire, without coat, without shoes, without any covering at night and no bed clothes, nothing except a mattress to lie upon.

Confining a boy for thirty days in the lock-up without fire in the winter time, so that his feet were frozen.

Not furnishing boys with water to wash themselves with, or any change of clothing during confinement.

Allowing an entire neglect of studies during confinement in the lock-up.

Frequent absconding of boys from the College, in consequence of harsh treatment.

Whipping boys on the back with the ratan, with nothing on but their shirt.

Allowing boys to be taken from their bed and sleep, and whipped, with nothing on but their night shirt, and when ex-postulated with by mothers, encourage and justify such brutal treatment.

Neglecting or refusing to send for parents and friends of children whilst they were sick.

Refusing to allow the flag to be hoisted on the occasion of the dedication of the Gettysburg Cemetery, in accordance with the request of the Governor.

Mr Littleton. Did any of these facts occur since the change ; since the removal of Major Smith ?

A. Yes, sir ; that matter of whipping a boy in the presence of his friends and relatives, I would say, occurred since the resolution of dismissal.

Q. And the case a little before that ?

A. Yes, sir.

Mr. Tyson. Were you present at any of this treatment ?

A. No, sir.

Q. Was not present at all ?

A. No, sir ; I think, if the Committee will allow me to say, I was informed of these facts just after my taking my seat as a Director of the College ; I did not believe, at the time, that such things were possible, and paid rather a deaf ear to them. The complaints from mothers and others became so frequent that I took the trouble to wait upon some of the parties, and make inquiries ; but I found they were but too true.

Since the resolution of dismissal I have noticed articles in the newspapers reflecting upon my action, and the action of others, in voting for the removal of Major Smith ; and I have called upon the persons, and I have quite a number of affidavits, sworn affidavits, in my possession, to substantiate what I say, and my reasons for the removal, which, if the Committee desire, they can have.

Mr. Tyson. Did you go and visit any of those children while they were in the lock-up ?

A. No, sir.

Q. Before the removal, you have never seen any of those in the lock-up?

A. No, sir.

Q. Were the complaints of any of these parties ever brought before the Board?

A. Yes, sir; in one case, where a boy was confined eight days for running away; the attention of the Committee on Discipline was called to the matter, and after hearing the case, they thought the punishment was rather severe, and they dismissed the case, and released the boy from confinement.

Q. Have you any personal knowledge of the condition of the lock-ups?

A. Yes, sir.

Q. What condition are they in?

A. I would not like a boy of mine to be confined in any of those rooms, from the stench and foul air that arises from them; there appears to be no means of proper ventilation at all, in cold weather particularly.

Q. Were the boys confined in this place during the darkness of the night, and kept in darkness night after night?

A. So I am informed by the boys themselves, and by the parents.

Q. Have you examined the main building and out-buildings, with a view of ascertaining their condition, lately?

A. No, sir; I cannot say that I have.

Q. Or the furniture, clothing and bed clothing?

A. No, sir, not myself, as the charge of the main building and out-buildings is in the hands of the Prefects and Governesses, and under the immediate supervision of the President.

Q. Well, is not the President responsible for the condition of these things?

A. He is by the rules of the Board.

Q. What other duties does the President perform? Does he teach or instruct?

A. To my knowledge, I don't know anything about that; I have been informed that he does not; he is required to do so by the rules; I am informed that he does not, however; that is a question that would be answered better by other persons connected with the establishment than by me.

Q. Mr. Littleton. Did Mr. Allen call upon you, and urge the removal of Major Smith?

A. No, sir.

Q. Did he call upon you, and urge his election?

A. No, sir; he never asked me to vote for him.

Q. When did you first see Mr. Allen upon this subject?

A. I met him in the street I think a day or two before this action occurred, accidentally. I went up and shook hands in the usual way, and I said that I was satisfied in my own mind that there ought to be a change in the institution, so far as the President was concerned; and I asked Mr. Allen, in case a vacancy was created in that office, and if his name was brought forward for that position, and if he was elected, whether he would serve as the President of the College? and he said yes, but he would urge nobody's removal, and he would ask nobody to vote for him.

Q. Then you introduced the subject to him?

A. Yes, sir; I introduced the subject to him; that was a casual conversation, he was going one way and I another; after that I went on my way.

Q. He never indirectly or directly asked you to help him in any way, either to vote for him, or to vote for the removal of Major Smith.

A. Never, sir.

Q. Have you read the bill in equity against the Directors of Girard College?

A. Yes, sir.

Q. Have you read the charge that he had done that?

A. Yes, sir.

Q. Is that charge true or false?

A. To my knowledge, false.

Mr. Littleton. Were these children punished under the direction of Major Smith?

A. I am informed that no boys are put in the lock-up at all, without the order from the President direct. Sometimes boys are placed in the lock-up during the temporary absence of the President. He may be out of town, but when he returns he is notified of the fact, that a boy is in the lock-up.

Mr. Martin. The Board does not allow the punishment of children such as has been inflicted?

A. We ought not to.

Mr. Stokley. If it has been done, does the Board by any action recognize this punishment?

A. No, sir.

Mr. Harper. Mr. Haines, you have stated as one of your reasons for voting for his dismissal, his refusal to obey the rules; what rules do you particularly refer to?

A. One of the rules require, that in the absence of the President from the city, or from the College, that the Secretary should take charge and act as President, *pro tem*. I think it was—yes, I am satisfied it was—before the removal, that the President, Major Smith, was away from the city, and Professor Becker was requested by him to act in his place, in violation of the rules.

Q. Was Mr. Arey, the Secretary of the Board, present at that time?

A. I do not know, sir.

Q. Was he not out of town?

A. I do not know that he was; he might have been out of town and I not have known it.

Q. You spoke a short time ago of the action of the President in relation to the Steward. Now I wish to ask you, whether an action of the Board was not had relative to the Steward?

A. The Board declared the seat of Mr. Field vacant, and elected Mr. Hartley to take his position on the first of the following month, the 1st of August.

Q. Did not the President act as Steward under the instructions of the Board, so far as the Steward was concerned?

A. I think not, sir.

Q. You say he did not recognize Mr. Hartley.

A. Yes, sir; to my knowledge he did not.

Q. Will not the books of the College show, that during the pendency of the bill in equity, in relation to the dismissal of the Steward, will not the books show that he acted under the directions of the Board?

A. If that was the action of the Board the minutes certainly would show it.

Q. What resolution of the Board did he disobey?

A. I have just told you of the resolution of the Board requiring the Secretary to act in the place of the President in his absence from the city.

Q. That is the only one you know of?

A. That is the only one I can bring to my recollection just now.

Mr. Harper. Have the instances which you have mentioned of harsh conduct and eruel treatment to those boys, come under your own observation, or are they only from what you have heard?

A. The complaints made to me at the time, by the mothers and friends of the children, as I said before, at first I could not think possible, and I paid very little attention to, until the complaints became so numerous that I ascertained some of the facts myself to be true.

Q. What is this difficulty about the hoisting the flag?

A. That can be better answered if the Committee will allow an affidavit in my possession to be read.

Q. Were you a member of the Board at that time?

A. No, sir.

Q. Then you don't know anything about it yourself?

A. Only from information received of a person employed in the institution at that time.

Mr. Haines. I offer here the affidavit of James Kirkpatrick.

Mr. Harper. We can have Mr. Kirkpatrick here himself, I suppose.

Q. Where is this lock-up situated? In what part of the house?

A. It is situated in the third story of a building. I think, between the main building and the President's house: on the eastern side of the College grounds.

Q. Have you ever been in it yourself?

A. Yes, sir.

Q. When were you in it?

A. I cannot recollect the time.

Q. Were you in it previously to the suspension or expulsion of the President?

A. Only once.

Q. Did you observe the bad ventilation you spoke of at that time?

A. Yes, sir.

Q. Was it not in your place to see that it was remedied?

A. I don't know that it was my place to see to anything; my word went for nothing there.

Q. I mean as a member of the Board?

A. My word went for nothing in the Board.

Q. Did you make any complaint to the Board?

A. No, sir; I did not make any complaint, of course I made no complaint to the Board.

Q. You stated that you met President Allen in the street, and had a conversation there. Was anything said in that conversation about a vacancy to occur in the Board?

A. Only what I said to President Allen myself.

Q. Did he ask you to vote for him if there was a vacancy?

A. No, sir.

Mr. Cattell. Are you a member of the Committee on Discipline?

A. No, sir; I am not a member.

Mr. Franciscus. Mr. Haines, did the Committee on Discipline ever present the case of severe punishment that you mentioned, to the Board of Directors?

A. I do not know that the Committee ever presented it. I recollect when the Chairman of the Committee, Mr. Foust, got up in his place one afternoon, at the meeting of the Board, and stated to the Board that he had just come from the lock-up. It was in the winter time, very cold weather, and he found a boy there with scarcely any clothing upon him, with nothing to lie upon but a mattress, nothing but bread and water there, and the window of the lock-up open, and the cold wind driving in: I recollect that statement being made.

Q. Was Major Smith at the College at that time?

A. My impression is that he was at the meeting of the Board prior to the opening, and presented his report. I think, to the best of my knowledge and belief, that he was there.

Q. Was this at a meeting of the Committee on Discipline, or at the meeting of the Board?

A. It was at the Board.

Q. Was there any action taken by the Board?

Mr. Haines. I will state that the Chairman spoke of it first, in the meeting of the Committee on Discipline and Discharge, and afterwards in the Board.

Q. Was Major Smith ever spoken to of this harsh treatment of the boys?

A. Not by me, sir.

Q. This whipping that you spoke of, was it the act of Major Smith or by the Prefects?

A. In some cases it was the action of Major Smith, and in some cases the action of the Prefects.

Q. You spoke of the many boys absconding; according to the number of boys in the College, were there not as many under President Allen?

A. I was not a member of the Board under Mr. Allen's administration, and could not answer that question. The records will show. I have never examined the records.

Q. You stated one boy was taken to the chapel, and that he died within one hour of his return, or within an hour or two after the removal. What was the cause of his being taken to the chapel? An order from Major Smith?

A. My information is derived from an affidavit which I here present.

Q. You don't know anything personally about the matter?

A. Yes, sir; I have seen the mother of the child.

Q. How long since this occurred?

A. I forget exactly the date, I think it was last April or May.

Q. Do you know whether the Board took any action upon this treatment?

A. No, sir; I do not, I have no knowledge of any action.

Q. Was it while you were a Director, or previous to your going into the Board?

A. I think it happened just previous to the time I went into the Board. The affidavit will show the date; I am not certain whether it was last April or May, or not.

Mr. Harper. The affidavit is May, 1866.

Mr. Haines. Then I was not a member of the Board.

Q. You are not aware that the President has ever been called to account, by the Board of Directors, for this treatment administered to the children of the College?

A. I am not, sir.

Q. Was it not the duty of the Committee on Discipline to report this matter to the Board?

A. It was the duty of the President to report all cases of discipline, to the Committee on Discipline and Discharge; but I have been informed that there are quite a number of cases not reported to them by the President. My impression is, that the Committee are required to act upon cases that are brought to their attention by the President.

Mr. Littleton. That is the only thing you have to do?

A. Yes, I think that is all.

Mr. Marcus. How often is it the duty of the Committee on Discipline and Discharge to visit the buildings?

A. I don't know that we have to visit them; they can go whenever they please.

Q. Any regular rules?

A. I think not, sir.

Q. You are a member of that Committee?

A. No, sir; I am not.

Mr. Stokley. I wish to ask you one question in reference to one matter that took place at the last meeting of the Committee. There was an endeavor to prove that there was a certain religious element brought into this fight, discussion or controversy?

A. I only know it from the newspapers.

Q. I would ask you, sir, are you not a vestryman of the Episcopal Church?

A. Yes, sir; and have been so for four years.

Q. That did not influence your feelings when you voted against Major Smith?

A. No, sir.

Q. Mr. Haines, were you a member of the Committee on Discipline and Discharge the first year that you were in the Board?

A. Yes, sir.

John Fry affirmed.

Chairman. You are a member of the Board of Directors of Girard College?

A. Yes, sir.

Q. You are one of the gentlemen who voted for the dismissal of Major Smith?

A. Yes, sir.

Chairman. You will be kind enough, in your way, to give to the Committee the reasons that prompted you to cast that vote.

Mr. John Fry. I have made no special preparation; believing that I should be called before the Committee to-day, I have made a note or two. I did vote for the removal of Major Smith, believing that the interests of the College required it. I would say that I have no personal objection to Mr. Smith, at all; but I am fully satisfied in my own mind that he has not the ability for President of Girard College.

Very soon after I became Director, I saw a want of interest in Mr. Smith; a lack of energy, and no industry.

The general condition of the household, to my mind, is bad. The lavatories, the dormitories, the bedsteads, mats, bed-clothing, etc., and general surroundings of the premises, all show a great neglect.

I have always held that Mr. Smith, President of the College, being the chief officer, and having general supervision, is responsible for all that is wrong. Being a member of the Committee on Instruction, I have visited the schools many times within the past year, and seldom has Mr. Smith accompanied the Committee.

I have never known him to exercise the boys in any of their studies.

By the reports of Mr. Smith, the President, I learned the fact that many boys within the past year have absconded, and upon the recommendation of Mr. Smith, the President, some boys have been expelled by the Board.

I have visited the lock-ups, have seen boys there, and have been informed by them, that they were fed twice a day upon bread and water. I have found the atmosphere in those rooms to be very offensive, exceedingly so, owing to the want of proper ventilation. A room, probably no larger than this, [19 by 20,] with one small window in it, probably 14 by 20, or thereabouts; that window chained so that it could be opened but about three inches in all; no transom in the door; no means of ventilation, whatever; the atmosphere very offensive, and I consider very unhealthy; nothing in the rooms to facilitate the boys in the relief of nature. No call of nature could be relieved except the same be done upon the floor of the room. I don't know that it is necessary to say what conversation I had with the boys with regard to that matter. I inquired whether facilities were furnished them for this thing; they told me that they were not. I inquired of them how often they were visited, and by whom they were visited. They were visited twice a day by the lady who had them in charge, a Mrs. Seott.

Who brought them their bread and water? did she ever inquire of them as to their wants? No one made inquiries with regard to their wants.

In allowing the boys to be punished for very trivial offences,

like that of having them stand in an erect position in one place for a period of two hours; I have observed that the boys were very much wearied by being continued in that position, manifesting a good deal of uneasiness from Prefects standing before them to keep them in their proper position. Have inquired of the Prefects the offences of these boys. Oh! well! they are not serious! Well, what are the characters of the offences for which you keep the boys standing here? Well, sometimes they go outside of the railing of their playgrounds. Well, is that by accident, or on purpose? Oh! I don't know! We have to do these things to keep them within the enclosure. Inquired to what extent the punishment of boys was carried for these small offences? Sometimes an hour, or hour and a-half, two hours or two hours and a-half, according to the ability of the boy to endure the punishment. Simply remarked to the Prefect, pretty severe. I have been called upon by mothers having sons in the College, who have made very serious complaints to me of the improper and severe punishments which their sons had received at the hands of Mr. Smith and the Prefects, at the same time complaining much of the unkind treatment that they had received themselves from Mr. Smith's discourtesy; I was also impressed a year ago, when we elected a new Steward and removed the old one, that there was a great want of disposition upon the part of the President to co-operate with the Board. I have a memorandum here of a matter which did not come under my own observation, and information which I had received in an indirect way; it came to me second-hand, and therefore may be I had better not make it a part of my testimony. It is in relation to the influence of the President with the Professors who sent a communication to the Board complaining of the operation of the rules adopted by the Board about a year ago. That I would not care to have as a part of the testimony, because it came to me second-hand.

Mr. Littleton. You knew it as a fact, did you not?

A. I knew the communication came to the Board, but did not know the fact of the influencing of the President.

Q. What communication was it?

A. It was a communication of Professor Becker, complaining of the operation of the rules.

Q. What information did you receive in relation to the matter?

A. One of the complaints, I cannot recollect them all; one of the complaints was, that the rules required the parties visiting the College, to see the Professors and others should register their names at the lodge. That was one of the causes of complaint in the communication. In connection with that, if that is permitted as matter of testimony, I heard also from the same source, that President Smith said to certain of the Professors to disregard the rules, and go on in their usual way. That I don't state as a fact in regard to the matter, however.

Mr. Littleton. What information did you receive in relation to the communication which came from the Professor representing certain grievances, or did you receive any information?

A. The only information I received was from Mr. Smith's influencing the Professors to complain to the Board.

Q. From whom did you receive that information?

A. I received that information from a gentleman who got his information from Professor Becker, himself.

Professor Becker was the writer of the document.

Mr. Holden said also that he was influenced to sign the paper.

Q. Did Mr. Holden sign the paper?

A. I think he and Professor Keyes and Professor Fraser.

Q. Are you sure Mr. Holden signed it?

A. I am not sure; I did not mean to make that a matter of direct testimony, and did not prepare myself for it, but had a note here, and therefore named it.

Mr. Wagner. Mr. Fry, did you ever expostulate with the President about these matters that you have considered?

A. On one occasion I took a complaint of a mother of her boy to him; he said the mother was not truthful, and remarked to me that she had annoyed him a good deal, but she forgot; this was the President's remark; she forget that her boy was in a much better condition at the College than he would be at her own home; that was all the information I got in regard to the matter.

Q. Did you ever bring these matters before the Board?

A. I never did bring them before the Board, sir.

Q. You never entertained any malice towards Major Smith? It was no kind of malice that influenced you to vote as you did, only the interest of the College?

A. The interests of the College, I thought, required that Mr. Smith should be removed, and that was the only thing that influenced me; the suggestion of malice against Mr. Smith is a strange one; I have no kind of malice towards Mr. Smith, or any other man, that I know of; it is not my nature.

Q. Did you ever hear of any complaints in reference to Mrs. Field, about the condition of the household?

A. I have heard frequent complaints; yes, and have made complaints myself to members of the Board, but not officially to the Board.

Q. Whether she did not prove inefficient, and has been removed?

A. She did prove inefficient, but the inefficiency was partly owing to the fact that Major Smith did not give her the attention that she should have had.

Q. Has she been removed?

A. She has been removed, and there has been no complaint on the part of the members of the Board; the course of procedure was the same as that in the case of Major Smith.

Q. Was ever there any resolution offered in the Board looking into the condition of the College?

A. I don't recollect of any, sir.

Q. How long have you been a Director, Mr. Fry?

A. About sixteen months.

Q. Have you any knowledge of the rules in reference to the taking of these boys from the lock-up twice a day to supply the calls of nature?

A. I have no knowledge of it at all, only what I have stated to you, what the boys said to me themselves.

Q. This room, you say, was very offensive?

A. Quite offensive,

Q. When did you visit the room, Mr. Fry?

A. I visited these rooms last week; I have frequently been in the building, and knew where the rooms were; and, knowing that, never asked that the rooms should be opened; knew to what purpose the rooms were applied, and never cared to interfere with the discipline of the College.

Q. Have you visited the rooms during the Presidency of Mr. Smith?

A. Yes, sir.

Q. Have you ever visited the rooms while occupied by the boys?

A. Have never visited the rooms when occupied by the boys; never thought it proper to go in while boys were there, and never asked that they be unlocked.

Q. What part of the building are they in?

A. In the third story of No. two; first building east of the main College building.

Q. You consider Major Smith, in point of intellect and educational abilities, sufficiently qualified to be President of the College?

A. I have no doubt at all about his educational attainments.

Q. You do think that he does not exert his abilities?

A. In that particular he may be equal to the position, but in most other things I consider him very inefficient.

Q. You think he does not make the proper exertions?

A. I do think there is little or no energy on the part of Mr. Smith; as I said in the outset, I have been observant of Mr. Smith, and I do not think he is an industrious man; I have long held that position; I have been to the College, on an average, once each week; I have some weeks been there as many as four times a week, and probably not more than at one of those times did I see Mr. Smith, and when I have seen Mr. Smith, I have seen actions, on his part, that evidenced, to my mind, that he is a man that loves his ease. Now, I do not say this with any prejudice at all, but I say it as an honest conviction; I give it to you as an honest conviction; I have never talked this thing to other members of the Board, and have not endeavored to injure Mr. Smith personally, and would much rather have preferred that the Committee should not have requested me to say anything.

Q. Did Mr. Allen ask you to vote for him?

A. Never.

Q. Did he ever call upon you for that purpose?

A. Never.

Q. Mr. Allen never called upon you?

A. He did call upon me, upon a suggestion of my own and a friend of Mr. Allen's; but he never asked me to vote for him. At that time he declared he would not ask any man to vote for him; but he felt that he had ten years of young life to give to the College, provided a majority of the Board

desired his services. He then stated that he would not ask any person to vote for him; I do not think that he ever did.

Mr. Tyson. When you saw this ill treatment, and when you saw the boys in these lock-ups, did you make a report to the Board?

A. No, it was not my business to make a report to the Board; the Board took no action when I saw the boys in the lock-ups; and I have frequently been informed they were fed on bread and water, and also of their ill treatment; and whenever these things were mentioned in the Board, Mr. Lex has pooh-poohed the whole thing, and said it was not true; and I, feeling that Mr. Lex had had much more experience than myself, generally concluded that there was not in the matter as has been represented; but latterly I have chosen to investigate for myself, and I have found things in a condition, to my mind, which were very prejudicial to the College; I have found things there very prejudicial to the health of the College, though the record in the infirmary does not show a bad condition in that particular; but I apprehend it might show a better condition if the College buildings generally were in a better condition than what they are. What I have said in reference to that matter can be discovered by the gentlemen of the Committee themselves, if they will visit the buildings. The lavatory of No. 3 is certainly in a very bad condition—a very bad condition, indeed; the atmosphere of that room is very bad; I have noticed that particularly; I have noticed its filthy condition, and I have noticed its very imperfect condition; things much out of order there. I have seen a leakage of pipes in that lavatory, where there has been a discharge of from three to five barrels every twelve hours. I have judged that from the leakage in the pipes; the floors and ground underneath the wooden floors are damp and wet; the floors are damp, and the atmosphere in the lavatories was quite unpleasant; that I have noticed frequently, particularly so last Friday, when making a visit over the College with one of the gentlemen of Council, who was on the Visiting Committee, who could also bear testimony to that as a fact; and you, gentlemen, will discover that to be a fact, if you visit.

Q. There has been no complaint made to the Board, has there?

A. No, sir.

Q. As the members have seen these things, was it not their duty to take some action in relation to it?

A. I have heard that the Household Committee did examine the lavatory, with a view to an improvement of the condition of things there. The Household Committee has, I understand—not being a member of that Committee—instructed one, or some of its members, to act in conjunction with Mr. Smith, for the correction of the matter. That was more than three months ago; and I have not been able to discover that there has been any correction; if there has been any attempt at correction, it has failed—for the place, I consider at the present time, in some sense, is a nuisance.

Mr. Littleton. Mr. Fry, the rules of the College provide for family worship, do they not?

A. Yes, sir.

Q. And also provide that the President shall conduct that worship?

A. Yes, sir.

Q. They also provide, that once in every month he shall conduct the religious worship in person, and deliver a discourse?

A. Yes, sir.

Q. Has he complied with that rule?

A. I have not visited the College on Sunday, and cannot say that he has or not. I have been many times in the chapel, and have never known him to say a word outside of the Bible, prayer and hymn-book, to the boys.

Q. Do not the rules require him to conduct the examination of the pupils, as to their proficiency?

A. Yes.

Q. Does he, or does he not, comply with them?

A. He may have complied with them. I do not know whether he has or has not; I apprehend that he has.

Q. Does he teach or instruct any class?

A. I do not think that he does; I have never heard that he does so; have never known of his having a class; never have known of his instructing the pupils.

Q. Do not the rules require that he should do so?

A. I am not familiar with the rules in that particular.

Q. Has he ever complied with Rule XII?

A. He may have done that; I never knew him to do it.

Q. Has he not the charge of all the apartments, offices and out-buildings?

A. Yes, sir.

Q. Do not the rules require that he should see that they are kept in good order?

A. It has been my opinion that it is his duty to see that the officers do their duty, and that their apartments are in order, and attended to; I have also held him responsible for any deficiencies that I have seen about the premises.

Q. You were speaking of the lavatory, its condition, and so on. Did he ever report that to the Board?

A. Not to my knowledge; if he did, I have no recollection of it.

Q. There is another question. You have stated that President Allen called upon you; was that at your request?

A. Yes, sir, at my request.

Q. This was before the change?

A. Yes, sir.

Q. Did he ask you to vote for him?

A. No, sir; he did not.

Q. Did he ask you to vote for the removal of Major Smith?

A. No, sir.

Q. Have you read the article in the bill in equity charging that he did?

A. Yes, sir. I think it is a shame that Mr. Allen should have been thus charged.

Q. So far as your knowledge is concerned, he stated nothing to him?

A. So far as my information goes, he has said nothing to anybody himself. I have inquired of other members, and they tell me that he did not, but rather on the contrary, would not invite anybody to vote for him, but would accept the position.

Q. Have not the boys on the play ground, been compelled to stand five hours on Saturdays?

A. I do not know of their standing five hours. I have heard it said, that there were other kinds of punishments, but I never saw the other punishments. I have been told that the boys have been compelled to bend over and take hold of their toes for thirty minutes; I have heard that. I do not give that of my own knowledge.

Q. Do you know whether these punishments were known to the President?

A. I know of boys standing in the play ground at noon, and I apprehended the cause; I have walked with the President through the grounds more than once. Opposite the play ground I have stopped and looked at the boys, and talked about them.

Q. Do you mean their being punished in this manner?

A. Yes, sir. I knew that he was conscious of the lines of boys being arranged before the Prefects. Whether he was conscious of how long they stood there, I cannot tell.

Mr. Littleton. On this occasion of your seeing boys thus punished, did you call his attention to the fact?

Mr. Fry. How could I call his attention? He saw what I saw.

Q. How often did you speak to Mr. Lex in relation to the discipline?

A. I think I have spoken to Mr. Lex twice in regard to that matter.

Q. On one occasion was not the case investigated, and the result approved of by you?

A. I don't recollect that there was any case that I mentioned to Mr. Lex that was investigated. If there was, it has passed my memory. If Mr. Lex will mention the particulars, it may refresh my memory.

Q. Was there any complaint made by Mr. Boswell, which was investigated?

A. Not that I know of.

Q. To you, and Mr. Roberts, and Mr. Lex was any complaint made by Mr. Boswell?

A. That complaint was not made to Mr. Lex. Mr. Lex was in the grounds when the Prefect, who had special authority, and the boy was brought. The Prefect referred the case; as the boy being guilty of the charges preferred, and the meed of punishment was stated, and it was not thought in that particular case to be severe.

Q. But that is not one of the cases you referred to?

A. No, sir: This conversation I had was in the Directors' room, in an accidental way I recollect once speaking to Mr. Lex; and he must recollect the same, of the many boys absconding. He said there was many bad boys, and that it required the most rigid discipline to keep the boys in any kind of

order. I told him that I regretted that there was so many boys absconding ; and that there was a necessity of expelling so many boys. Mr. Lex may remember that conversation.

Mr. Harper. Have you not visited the infirmary since the dismissal of the President, to take testimony as to the treatment of Frank Fraser ?

A. No, sir ; I have not. I will relate to you a conversation I had with the nurse ; this was voluntarily on her part. I visited the College to see a little boy, Robert Smith, whose death we are looking for every day. It has been my practice, whenever I was there, to visit that boy. He has been in a sinking condition for some time. I said nothing to the nurse at all until I was going away. As I was going away the nurse came to me and remarked this to me : "Have you seen that communication that I put in the paper?"

I said : "I did not see the communication, I heard of it." Said I,—*"Mrs. Lewis,"* "Why did you publish that communication?" She says : "I published it because I wanted to stop the mouths of the people from complaining about this infirmary."

"Well," says I : "I don't think you have taken the best course to do that:" "Did anybody advise you to do this thing?" "Yes, sir:" "Dr. Hollingsworth advised me," "How came Dr. Hollingsworth to advise you?" "He thought it ought to be done for the credit of the institution."

"Well, I am glad to know that Dr. Hollingsworth has some regard for the institution," "Did anybody else advise you?" "Yes, President Smith advised me also." "Well, who prepared the communication?" "I did it myself." "You were sick in bed at the time." "I know I was." "You prepared it yourself?" "Yes, sir," "I did ; I prepared it myself."

"Did anybody dictate to you while you wrote that?" "No, it is my own, and I have told nothing or said nothing but the gospel truth." "Who took the communication to the newspaper office for you?" She said "Major Smith came and got the communication, and I suppose that he sent it down." That is about all.

Well, we had a little further conversation, and I told her this : "Mrs. Lewis, I have heard it said, at the time of the occurrence, that you made a very different statement." She said, "Mr. Fry, I have told the gospel truth in that

communication.” “Well,” says I, “I am very sorry if you have been misrepresented, or that it has been misrepresented to me that you made a very different statement from that; bear in mind, that you may be called upon to testify in this case; be careful and refresh your memory, that you may tell nothing but what transpired.” That is about all the conversation; which conversation was brought on by Mrs. Lewis, and not sought by me at all, and I would have preferred not to have had anything to say to her; was not there with any such intention; went there to visit this little sick boy.

Mr. Harper. Did you not tell the nurse, that the favorable statement she had made relative to the President should not tell against her?

A. No, sir; I did not tell her any such a thing. I had no such idea.

Q. Or against Dr. Hollingsworth?

A. I did not tell her so, or had no thought of it; I have never harbored any unpleasant feelings; I did not do any such thing; I am sorry that such things have been raked up.

Q. Have you not, since the dismissal, been collecting testimony?

A. I have not collected one iota of testimony. Persons have come to me, and called upon me about the treatment of their children; called at my house, not that I have sought it; after these persons had called upon me, I called at their houses afterwards, they not getting through with the conversation at my house, on the occasion of their calling there; I was more engaged, and could not give them the time that I ought, and I agreed to meet them subsequently, and had a further conversation. I did not seek these persons, those persons sought me; on one occasion there was two persons called to see me, and one stated the fact that she had a boy sick in the country, which boy was not able to return; he came home during the summer vacation; while home he was taken sick and he was not able to be returned, or he was not in a condition to be returned; she wrote to the President of the College that he was in such a condition that he could not be returned; the President of the College answered the letter, by telling her that he must be; she then got a certificate of a doctor, endorsed by several good citizens of the town, which certificate she sent to Mr. Smith, certifying to the condition of her boy;

Mr. Smith again wrote that the boy must be brought back, that they had good nurses, good healthy air, and good doctors. As soon as the boy was at all in a condition that he could be brought down to the city, she brought him down on a pillow. This communication was made to me by the mother; that mother is willing to come before this Committee and testify; I asked her that question; I did not ask her for an affidavit or anything else; she said she would be pleased to appear before the Committee; but she said, I am afraid that if President Smith is retained there, that my boy will be badly treated, or worse treated than heretofore, and so will I, myself.

She stated, also, that when she brought her boy down, that Major Smith said she was more frightened than hurt, that the boy was not so sick after all; she said that what was written was true; Major Smith remarked, that if the boy had been in town he would have sent a carriage, and had him brought to the College. This is a voluntary thing; she further stated at the time of the interview, that she went to visit her boy at the College, and had a younger brother, a younger son with her, about four years old; she came down from the country, some forty miles distant, and brought the little boy down, who desired to see his brother Eddy; when she got to the lodge Mr. Smith was there, and inquired who that was; she said it was her son, the brother of Eddy; said he, "That child cannot come in." "Why not, Mr. Smith?" "It is against the rules." "What will I do with him, Mr. Smith? I have no friends in this neighborhood that I can leave him with." "Leave him here." "If I do, the boy will cry." "Let him cry until he gets tired, and then he will stop."

The lady said the only means that she had in the case, was to leave her boy in the lodge, and go and see her boy inside. She left her boy in the lodge; the child being so young it did cry, as she had prophesied, and her mind was a good deal exercised; while with her boy in the grounds, she approached the lodge.

In the meantime, Mr. Smith had left the lodge; this is her statement. The little boy, seeing her, child-like, it ran out to meet her; she took him up and walked the grounds with him in her arms. Subsequently Mr. Smith, seeing her, he asked her if he had not forbidden that boy to be brought in. She said she told him the circumstances; said he, never

bring that child again. That is the kind of testimony that I have sought, and that is all I have sought. I sought it by the lady coming to see me.

Q. I want to inquire whether it is not against the rules to bring children into the grounds?

A. I believe it is against the rule of President Smith, but not against any rule of the Board.

Q. You spoke of bad ventilation; who is responsible for that ventilation?

A. I do not hold Mr. Smith responsible for the bad ventilation, but I do hold him responsible for putting boys in a room where the ventilation is bad, and he knowing that it is bad.

Q. Are there other rooms in the house where the boys can be put?

A. There are two rooms, used as a shoemaker's shop, that could have been used for that purpose.

Q. What floor is that on?

A. The rooms I spoke of are on the second floor; where the bad ventilation is, is on the third floor. The shoemaker's shop is on the second floor. These rooms would make a much better place for the lock-up, since there is little or no regard for the boys.

Q. What is the difficulty with the ventilation of the rooms now used?

A. As I said before, there is a little window, fourteen by twenty, in the room, opened about two inches, with no ventilation over the top of the door.

Q. Any fireplace?

A. No fireplace in one of the rooms; in the room adjoining there is a fireplace.

Mr. Franciscus. Has this question, of lack of efficiency, ever been brought before the Board?

A. No, sir; it has been talked among the members of the Board, but never brought forward before the Board, until it was brought in the form of the notice that declared the place vacant in November.

Q. Has that matter of punishment ever been brought up?

A. No, never; but it has been talked about.

Q. Ever been talked to Mr. Smith?

A. I don't know if it has been talked to Mr. Smith; I would state that the members of the Board have feared to

interfere with the discipline of the College; they did not deem it their right; I did not deem it my right to interfere in any way; I was willing to take Mr. Smith upon his own action, and not upon the action of the Board; I do not want a President to be told by the Board where his deficiencies are; and what they and I have always desired, was of having a man who would not have these defects and weaknesses, which, I believe, are common to Mr. Smith; not that he is so purposely, but I think his nature is such as to render him entirely unfit for the position. I have come to that conclusion, not from any feeling, but from a careful examination of the whole subject.

Q. Well, this matter of severe punishment of children has been carried on for some time, as I understand?

A. I understand it has been going on a long time.

Q. Still, the Board has never taken any action?

A. No, sir, not to my knowledge; I only recollect one circumstance, and that is hearsay; that at the house of an ex-member of the Board, Mr. Henry Simons, a Committee was appointed to select a new President, while Mr. Smith has been President of the College; whether that is a fact, I cannot tell; but I heard that a caucus meeting was held by the members of the Board of Directors of the College; not by all, for there was some of the opposite party; but this meeting was not held at the College for that reason; but it was held at the house of Mr. Simons, then a Director, at which a Committee was appointed to select some person to take the place of Mr. Smith. Why nothing ever come of it, I cannot tell; or what was the motives, I do not know; that was a mere rumor.

Mr. Stokley. You said there were three boys expelled upon the recommendation of the President; what was the charge brought against them?

A. I do not now recollect the charges; I recollect some boys were expelled from the College, because of their having illicit intercourse with one of the servants of the place, which, upon an investigation, was found to have been continued for some six months or more, until it showed itself in the size of the girl.

There were three boys having illicit intercourse with her for about that period—six months; two, I think, were expelled—one of them was not; he was considered as not being

quite so guilty. He did not force himself with her as much as the girl forced herself upon him; that seemed to be the condition of one of the boys; that was the fact. I think it was a deplorable condition of things that such a circumstance should occur in the Girard College. I think we ought to have a chief officer that would be able to manage, that such things could not occur.

Q. At the investigation, where was it proved that this intercourse took place?

A. It was in the bath-room.

Q. Were not these three boys in there bathing?

A. I think they were in there, stripped, and she went in there of her own accord.

Mr. Wagner. Mr. Fry, how many boys are in the College now?

A. The last report was 497; I am not particular; I think that was the number; I think the Board have been careful not to put in more.

Mr. Stokley. Do you know anything in relation to the violation of that rule in reference to inviting the Secretary to take the place as President of the College in the absence of the President?

A. I know we have a rule that the Secretary is to supply the place of the President in his absence; I think the rules contemplated the eldest Professor. I think it was at my suggestion that the Secretary was substituted. The President was absent from the College this summer; I cannot tell how long; he was absent on two occasions; I think, on one occasion, about two weeks. I paid no particular attention to the time, supposing it was his right to be absent. The Secretary, when he left, was in this City, and I inquired of the Secretary; told the Secretary that Major Smith was out of town, and asked him if he was not now acting President of the College. The Secretary then said: I have no intimation of his leaving town, except only, that he intends to leave town. I said: "He is out of town." "I have made my arrangements," he said, "to leave the last of next week." So that Major Smith, the Secretary of the Board, and the Steward of the College, were all absent at the same time. That week, during the absence of these three officers, I was at the College, I think, every day; but I saw such a condition of things there, as was not pleasant to me by any means, which led me to think that

the College was drifting along without anybody to manage it. I made a remark to two members of the Board. There was some little feeling about the matter. I felt annoyed that things were in that condition; every officer of the College away, and the one sick who had been left in charge. Professor Becker was on his back, sick. It did seem as if the College had nobody to manage it, and it was just drifting along. During that time an accident occurred: a culvert in the lower end of the grounds was washed away. I am not sure it was at that time; but just before, during the absence, they were hauling a great deal of dirt to fill in, with a view to prevent a repetition and liability to such another accident.

The dirt that was being hauled in was being dropped down most anywheres, with no regard as to whether it was to be effective or otherwise. I called the attention of one or two of the laborers, and directed them, as far as my powers would permit me, about it, what to do in the case. But that is the fact with reference to the matter of the President asking the Secretary to take his place.

Q. You saw the Secretary in town after the President had left?

A. I saw him (the Secretary) in town after I was informed by the Janitor of the lodge that he (the President) was out of town.

Mr. Harper. Did Mr. Smith leave the City first?

A. He left the City first, and had not informed him (the Secretary) of his absence.

Q. Did the Secretary say so?

A. Yes; he told me that he had not been informed of the intention of Major Smith to leave the City. He knew he contemplated it, but of the time he did not know.

Q. Mr. Stokley. Did the President know of the adoption of the rule?

A. Yes, sir; he knew very well of the rule; I don't know how he could help it.

Q. Your saying it was a special rule, made me ask.

A. No, it was not a special rule.

Q. I understand it was adopted at your suggestion?

A. The alteration was at my suggestion.

Mr. Littleton. Mr. Franciscus asked you whether the Directors had taken any action upon those cases of harsh discipline; in your judgment, even if cases of interference are

justifiable, do they not tend to effect injuriously the discipline of the College?

A. I said, awhile ago, that I did not deem it advisable to interfere with the College.

Q. Would it not give the idea that the Directors were overruling the officers of the College?

A. It is my opinion that it would be injurious for the President to do one thing and the Directors to undo it; I always thought that that course was prejudicial to the good of the College, hoping that at some time or other there would be a way in which it might be remedied.

Mr. Franciscus. Would there be any reasons that the boys should know what transpired between the Board of Directors and the President?

A. There is no reason that it should become known; it does become known, however; how it becomes known I cannot tell.

Q. Don't you have the boys before the Committee?

A. Yes; the boys would become aware of the fact if the Board should interfere with the discipline of the College; with regard to the proceedings of the Board becoming known, I have been told of certain enactments of the Board, in the street, by persons having no communication with the Board.

Mr. Harper. Do not you consider the President the servant of the Board.

A. I do.

Q. Then don't you think you have the right, when anything is going wrong, to call his attention to it?

A. I have stated to the President of the Board, before I had been a member a month, and called his attention to certain particulars. I called the attention of the President of the College to the condition of the main building; there was leakages on the roof, or rather in the skylights in the roof; it looked to me that they had been in that condition for some time; he promised that it should be attended to immediately; after that I saw a man puttying up the holes in the glass, and putting it in a good condition; but for the reasons I have just stated, that I never thought it politic to interfere with the discipline, I never said anything.

Q. Do you know anything of the difficulty about the raising the flag?

A. All I know is from Mr. Kirkpatrick; he said he had charge of the flags; Mr. Smith was inquired of by Mr. Kirkpatrick why the flag was not raised; the President told him that the College was not a public institution; he did not think it necessary to raise the flag; Mr. Kirkpatrick said that after that he give up the flag; he also says the boys made a request of the President, to that effect, and his answer was, that it was not a public institution, and there was no necessity of raising the flag; I had raised my flag, and I thought it was strange.

Q. Was it at the dedication of the Gettysburg Cemetery?

A. It was; yes, sir.

Q. Do you know whether anything was the matter with the halyards at that time?

A. It is said that the halyards were out of order; if they were out of order they could have been repaired in two hours, or a new one could have been got.

Q. They were not repaired?

A. Not on that day; if they were, the flag did not go up. Mr. Littleton. What was this card of Mrs. Lewis?

A. She had published a card certifying to the ability of the boy Fraser to go to the chapel.

Q. This one that died?

A. Yes, sir; it was one referring to that boy.

Q. Mr. Fry, have you been all through the infirmary?

A. I have been all through the infirmary.

Q. In the cellar?

A. Yes, sir.

Q. In the upper rooms?

A. Yes, sir.

Q. Are there not lock-ups in the infirmary proper?

A. I have never been in but two stories, and don't know that the infirmary was used for this purpose; have inquired of the nurse, and asked her to take me through the infirmary; she took me into two stories; I supposed that that was about all, and if there is anything in any other story, I do not know anything about it.

C. R. MORGAN, M. D.,
Sworn Reporter.

November 4th, 1867.

Explanation by Mr. Fry :

Mr. Fry. I wish to correct an answer I made to a question put by Mr. Stokley at the last meeting.

I think I stated that two of the boys who had had improper connection with the girl at the College, had been expelled ; upon reflection and further examination of that matter, I find the case to be thus :

That Major Smith recommended the expulsion to the Committee on Discipline and Discharge, and they reported a resolution to the Board without a recommendation of discharge. The Board, in considering the subject, determined to have the boys reprimanded by the President of the Board, Mr. Lex, which was the case. I think that I stated that two of the boys were expelled. They were recommended by Mr. Smith to be expelled, and the Committee reported the resolution ; they were not expelled, however.

Mr. Harper. The President actually recommended the expulsion of the three boys ?

A. That is the record, sir.

Mr. Tyson. Who was the friend who introduced you to Mr. Allen ?

A. No friend introduced me at all ; Mr. Allen called upon me himself, as I said, at the suggestion of a friend of mine.

Q. Who was that friend ?

A. That friend was Albert C. Roberts.

Q. Was he a Director of the Board ?

A. Yes, sir ; it was upon my request that he sent him to me.

Q. Before he was elected the last time, had he not pledged himself to vote against Major Smith ? Before he was elected, or you was elected Director, were you not pledged to vote against Major Smith ?

A. No, sir ; I did not know Mr. Smith, and his name was never mentioned to me before I was elected a Director. I was elected a year and a-half ago, and nothing was intimated that I should vote against Mr. Smith, or anybody else. I went there an independent man, to exercise my abilities according to my duty, and not according to the judgment or pleasure of other parties.

Albert C. Roberts, affirmed.

Mr. Wagner, acting Chairman. You are one of the Directors of Girard College?

A. Yes, sir.

Q. Mr. Roberts, you voted with the majority in declaring the place of Mr. Smith vacant; will you be kind enough to give to the Committee the reasons which induced you to vote that way?

Mr. Roberts. Well, I was actuated for the best interests of the College, and considered that he was not the right man for the place.

Well, in the way of learning or education, Mr. Smith may be capable enough, but he is too indolent a man for that position. It requires a man of a good deal of energy to make that thing successful, and the whole matter connected with the institution has a look as if it was a little dilapidated—wanted a head.

Q. You thought that the President was not efficient enough?

A. Yes, sir; I have frequently been in the School, have never heard him exercise the boys in any way.

Q. You were not actuated by any malice towards the President?

A. Not a bit of it; I imagined that I could be as fair as any person on a matter of this kind. I have a good many other reasons about this matter; when I first went into this College, this last time, I noticed that there was a want of something there—a want of a head. I imagined that it was on this account that there was no rules.

On inquiry I found that there was a Committee to get up rules, but at almost every meeting there was some excuse made. They were never got up. The first meeting of 1866, in July, I made a resolution for the appointment of a Committee on Rules, which was appointed, and those rules were reported at the first meeting after the organization, and that was in September. That struck me as about the only way to get at the case of this thing, it being run *haram-searum*, and at that meeting, at the first meeting, there was some considerable objection made to the consideration of the rules at that time, and they were laid over until the latter part of the month. At an adjourned meeting, called for that purpose, they were passed. President Smith then for the first

time, in handing them to the officers, said, "There was no necessity of minding those rules." "They should go on as before." He criticised the rules contemptuously, and got Professor Becker to write an article to the Board, which was rather disrespectful.

In the 1st section, 2d rule, "The President is directly responsible for his official conduct to the Board of Directors. He shall make report, in writing, to the Board, at every stated meeting, transmitting information of the condition of the College, and calling the attention of the Board to such matters or things as require their action or consideration."

The President has made a general opposition to the establishment of these rules. Previously, for three years, he ran the College without a code, unwilling to give up to this Board. He employed Professor Becker to write a protest, and procured the signatures of others. That protest was sent to the Board, and by them referred to this Committee on Rules. This Committee made the following report, in answer to that protest. This was the original report which I got from the College this morning. I want to read this to show that this was no sudden affair. Not got up expressly within the last few weeks.

Then was read by Mr. Roberts a report, made to a meeting in October. That was adopted by the Board without any dissent.

This paper is in answer to the paper that came from the Professors.

This report, which came from Mr. Becker, at the instance of Mr. Smith, for I was introduced to Mr. Becker, and he told me so himself.

Q. By whom is the report signed?

A. It is signed by me, as Chairman, and by the whole Committee. That was passed by the Board without a dissenting voice.

Mr. Wagner. Is that report entered upon the minutes of the College?

A. It was intended to have been. I presume, of course, it has been.

When President Smith handed these rules to the officers, he told them that they need not mind them, but go on as before.

Mr. Littleton. Did you hear them say that?

A. The officers will be called before you.

Mr. Littleton. He says that was the reason for his action?

A. Yes, sir; that is the reason for my vote.

Sect. 1st, Art. 6th:—"The President shall conduct the family worship, morning and evening, which shall consist of singing a hymn, reading a portion of Scripture, and prayer. He shall also be responsible for the performance of public religious services in the College on the forenoon and afternoon of every Sunday. But he shall, at least once in every month, conduct the religious services on Sunday in person, and deliver an appropriate religious and moral discourse. These services shall consist of singing hymns, prayers, reading the Scriptures, moral and religious discourses."

The clause, "But he shall at least once in every month, conduct the religious services on Sunday in person, and deliver an appropriate religious and moral discourse."

He has not done so, but evaded it by reading from a book, and he must be incapable to do the latter.

No original prayers have ever been made by him during the time; the service or form of prayer being of the Episcopal service, and is in express violation to Mr. Girard's Will.

Now, Sect. 1st, Art. 8th, third line:—"He shall periodically conduct or direct such examinations of the pupils, in the respective branches of study to which they have been attending, as will develop the progress of each pupil, and show the advantages or the defects of the system of studies pursued in each department."

He has not done so personally, in accordance with the spirit of the rules. The term examinations have been conducted by the officers, and the results have been reported to him.

In the same section and article:—"He shall spend such part of every day as may be necessary, in the schools and dwellings, to give advice, direction and assistance to the officers in charge of those departments. He shall be present every day, (unless unavoidably engaged elsewhere,) at the dinner of the pupils; he shall see that all the apartments, offices, out-buildings, and grounds of the College are kept in good order; he shall have custody of the keys of the College,

out-buildings and gates; he shall give personal attention to the food, clothing, manners, recreation and reading of the scholars, and he shall, as often as convenient, (and he may deem necessary,) accompany such pupils as may deserve it, to the manufactories, institutions and remarkable places in the city and neighborhood of Philadelphia."

In regard to the first part, it has not been done at all; the looking after these things is a mistake; the lavatories have been disgraceful, and also the refectories; pieces of food and bones and meat have frequently been found upon the tables, which are dilapidated; the dormitories dirty, and bugs plenty. As far as the bugs are concerned, I do not know; the Directors can all testify about the dirt seen around the place; there will be plenty of folks here to tell you about that.

In regard to the latter part, the accompanying of boys to the manufactories, I do not believe he ever accompanied the boys to any place.

Now, Sect. 1st. Art. 10:—"The President shall have particular charge over the morals of the pupils," etc.

As an example of his style of attending to this, several of the boys had criminal intercourse with a female, for some six months, and it was only ascertained by the woman becoming pregnant.

Besides this, there was an increase of absconding boys, gross abuse of discipline, and so on, which may be learned in the report in 1865, made to the Board.

Sect. 1st, Art. 12:—"The President shall, at least once a week, examine and instruct the class (known as the graduating class) in the various departments of learning in which they are receiving instruction."

Sect. 1st, Art. 13:—"In case of the temporary absence of the President from the City, or his incapacity, from sickness or other cause, the Secretary of the Institution shall supply his place and perform his duties; and in case of the absence of the Secretary from the City, the senior Professor shall so act."

Now, at no time during the President's absence has he ever called or notified the Secretary to do that.

Sect. 11, Art. 6, page 12:—"The President is authorized, if he should deem it advisable, to allow the absence of orphans once a year, for the space of two weeks, during the months of July and August, when the mother or next friend resides out

of the county, or in the rural parts of the county of Philadelphia. He is also authorized, during the same period, to allow the absence of orphans whose mother or next friend resides in the city : *Provided*, Said mother or next friend shall request it, and give satisfactory assurances that the orphan will spend his said time of absence in the country : *And provided further*, That such privileges shall be confined to the meritorious pupils alone, as a reward for good conduct."

That rule authorizes the President only once a year, and during vacation, to permit the boys to leave the institution. Upon his own responsibility, without leave from the Board of Directors, and in direct violation of this rule, he let the boys out last Christmas, to run around the city, and do as they pleased, for four or five days; they were going to theatres, concert saloons, and other improper places, and in some instances reported by the police.

That only shows that he took no more notice of the rule than he told the officers to take.

Well, besides that, there was a great deal I saw in the conduct of Mr. Allen during three years of the administration. I never recollect of a complaint through the whole of it.

Mr. Harper. Do you know anything connected with Mr. Allen's administration of the treatment or discipline? Did any of the boys run away during that time?

A. It was a very rare affair.

Q. What years were you there, Mr. Roberts?

A. I was there the last three years of Mr. Allen's administration. I left there two or three months before he did.

Mr. Littleton. When did he go away?

A. I think he went away in 1862.

Q. How long has Mr. Smith been there?

A. I think he came there six months after Mr. Allen left.

Mr. Stokley. During the time that you were in the College, did you ever have any complaints under Mr. Allen?

A. I never recollect of a complaint through Mr. Allen's administration. But under Mr. Smith's administration it has been continuous; under Mr. Smith's administration there has been a great many complaints.

Mr. Wagner. Mr. Roberts, you say on page four, this rule, "In case of the departure or absence of the President, the Secretary shall supply his place," you say that the Secretary never supplied his place?

A. I say he never invited the Secretary, or gave him notice in his absence.

Q. Was there any quarrel between the Secretary and the President ?

A. Not that I am aware of. If there was, it should not prevent the Secretary from doing his duty. It is no excuse. If he did not intend to comply with these rules, he ought to leave it.

Q. Who would the President have to discharge his duties ? you say, he would not invite the Secretary.

A. He would invite one of the Professors. Mr. Holden, you know the Professors would act.

Q. I have learned that he gave the Prefects a good deal of power, were they ever to have it ? (the charge of the College.)

A. Of that I do not know.

Q. You spoke of the bones being on the floor ; did you see them ?

A. Yes, sir ; I saw that myself. I do not know but what there were some members of Council that saw that too. They were out there on the occasion. I did not go there for the express purpose of seeing it.

Mr. Cattell. Can you specify about the time.

A. I suppose that was several times within the last six months. At different times I saw that.

Mr. Harper. Mr. Roberts, you spoke of the indolency of Mr. Smith. In what respect was he indolent ?

A. I mean that institution is so large that it requires a man that is pretty active to keep it in shape and order, and unless a man is that, he cannot have it in a good condition. As an illustration, I do not suppose the duties out there are one-quarter what they are at the Insane Asylum. And yet, I suppose you cannot ask the Superintendent of that Institution any question or detail but what he could answer it. He is one of those wonderful men that looks in every place to see that it goes on right.

He (Mr. Smith,) wants vim ; I think that he has education or scholarship enough. I do not mean to say, that in the least I am speaking principally of his acts, because I do not think that he would have got through the institution he went through, if he had not.

Mr. Harper. Was the President asked or invited to attend a meeting of the Committee ?

Mr. Roberts. What Committee?

Mr. Harper. The Committee on Rules.

A. Not that I am aware of.

Mr. Harper. Who wrote that report which you read?

A. That was got up by the Committee.

Mr. Harper. Who wrote it?

A. That I do not pretend to answer. That was got up by the Committee. The Committee is responsible for it. It is the report of the Committee, of course. Rather an impudent question to ask! I don't think you have any right to ask it; that is my opinion.

Mr. Harper. I don't care anything for your opinion.

Mr. Harper. I ask you whether the Secretary did not write that report.

A. That is the report got up by the Committee, and the Committee were all here in this room.

Mr. Wagner. Mr. Harper asks you if the Secretary wrote the report. The Committee would thank you to give your reply to it. You have said that you will not answer the question. It is a perfectly proper question, Mr. Roberts.

Mr. Roberts. That was got up by the Committee, and they are responsible for it.

Mr. Harper. Mr. Roberts, how long was it before the election of Mr. Allen that you saw him?

A. Let me see. I met Mr. Allen down here in Chestnut street, about—I do not know about how long. It might have been a month or six weeks before. I met him in the street, and found at that time that he was up at his farm, or Agricultural School. I knew he was there, and was not expecting to see him. He told me that he was not there.

Q. Had you any conversation about a vacancy likely to occur there, in Girard College?

A. Not a bit of it. In my conversation with him, I found he had no place. I did not intimate anything to him; but it struck me that that was the man we ought to have for Girard College.

Q. Mr. Harper. Did not say anything to him then?

A. Not a bit of it.

Mr. Harper. Mr. Roberts, Mr. Lex wishes to ask these questions through me, and of course he has a right to do so. Mr. Roberts, how do you know that Major Smith did not read an original discourse?

A. That I only got from the officers of the College. I stated it in regard to the chapel exercise.

Q. Was there ever any resolution of inquiry offered as to the management of the Girard College or the discipline by the President?

A. Well, the matter of discipline was so frequently talked about there, and was oftentimes brought forward; and generally, and I believe always referred to the Committee on Discipline. Anything of that kind ought to be referred, and that was one reason why there ought to have been rules. That is why I urged it all along. But after that we got the rules. The President seemed to think we had no business to have them, and so it did not amount to much.

Q. I wish to ask whether there was any resolution offered by any Committee or any Director, as to the management or discipline of the College?

A. Well, about that I do not know whether there was or not, except outside of what the Committee on Discipline had charge of.

Q. Well, was the President, in the presence of the Board, ever asked as to the discipline, or any fault found with him?

A. Yes; often. I have heard him asked about the rules and the discipline frequently. As a general thing, when there was anything of this sort brought up, I generally asked about it, and Mr. Lex generally gave some explanation, or it would be referred to some Committee, or something of the kind.

Q. Did the Committee on Discipline ever make a report as to any exercise of discipline of which they complained of?

A. I do not recollect.

Mr. Stokley. I will say that, if Mr. Harper will allow me, the rules and regulations; see Section X., Art. 1st: "The discipline of the College is under the immediate direction of the President." It goes on to say that "The President shall report in writing to the Committee on Discipline and Discharge."

Here you see it makes it his duty, instead of the duty of the Board, calling attention to the delinquencies.

Mr. Harper. I have been requested to ask you whether the opposition did not grow out of that?

A. Not a bit of it. When I went into that College I had no idea about whether Mr. Smith was capable, or otherwise.

Mr. Harper. I want to find out whether his mind had not been biased against Mr. Smith in consequence of something which had occurred ; whether your mind had not been biased ?

A. That did not make any difference with me. I don't know about that. I understood that he was rather disrespectful in his language with regard to myself and others. He told some of the officers there that the idea of a grocer's making rules for the College was absurd, and I had better go back to my salt and sugar.

Q. Did he frame these rules ?

A. These were the old rules ; they were abolished in 1857.

Q. I mean whether you framed them ?

A. We done them all here together at this table. We had some three or four meetings here. We had the old rules as the basis, and went from them.

Mr. Harper. Mr. Roberts, I have seen your name appended to a communication in a newspaper on some charges against Mr. Smith. I suppose it is there by your authority ?

A. Yes, sir.

Mr. Harper. One part of this asserts, that " Mr. Smith has either directly or through his friends, caused the motives and persons of the Directors to be assailed almost daily, by daily attacks through the columns of the public press, and it is thought consistent with the dignity."

A. I should think that the last few days would be sufficient evidence.

Q. Do you know whether Major Smith applied to the public press for that purpose ?

A. Well, I have understood from other parties, I do not know that from my own knowledge, that some of Major Smith's friends, some of the members of the Board, I have heard the Directors, have been instrumental in some of these attacks. That I do not know of my own knowledge.

Mr. Stokley. You believe it, I suppose, to be the case ?

A. Yes, sir ; I believe it is so.

Mr. Stokley. The amount of it was, that you drew the inferences from what you saw in the papers ; that they were correct, or the grounds correct ?

A. No ; I heard a Director, and from several parties of persons who had given information.

Mr. Littleton. I am requested to ask you—I think Mr. Harper asked you a question, did you ever bring these

matters you have explained or have spoken of, before the Board?

A. Yes.

Q. Did you ask the President about these matters of complaint?

A. Yes; I have had a talk with him occasionally about it.

Q. Did you ever hear the President tell the Teachers to disregard the rules?

A. I did not; the officers told me.

Q. Who told you?

A. You will have the officers before you, and they will tell you themselves.

Q. How long have you been a Director this last time; your last term?

A. I guess about—I do not know exactly; it seems to me somewhere, may be December, 1865.

Q. Did you go in the regular election?

A. No; I took the vacancy of Mr. Cummings.

Q. How long have you been satisfied the change was necessary?

A. After I was in over two or three months.

Q. Why was not the change made sooner?

A. As far as I am concerned, I could not see the man to put there. The men to occupy a place of that kind are certainly a little scarce. You might run a risk of getting a man worse than Mr. Smith.

Q. You bore it patiently, until you thought you had secured a man better than the one that was there?

A. I consider that he is a good deal better.

Q. You were under both administrations?

A. Yes, sir; I was under both administrations.

Q. You think Mr. Allen is a superior man to Mr. Smith?

A. I think Mr. Allen's administration of the College is much superior; I do not know anything of his educational abilities.

Q. I do not ask now of the capacities of the gentlemen. I mean his abilities to conduct the exercises of the College.

Is the report of the Committee, which you read about discipline, conducted unanimously by the Board?

A. Yes, sir.

Q. One other matter. Have you read the bill in equity filed by Major Smith?

A. I have.

Q. Is that charge therein contained, that Mr. Allen endeavored to induce a change in the Presidency of the College true, as far as you are concerned?

A. Not a bit of it. I asked him if he would accept the situation; he said he would. His expression was, that there was ten years of good work in him yet; I don't want to be idle. He would not make any effort for it. I mentioned the subject to him, he did not mention the subject to me.

Q. He did not solicit it in any way whatever?

A. Not in the least.

Q. Have you ever been present at the College, and heard Major Smith deliver any address in the chapel or otherwise?

A. Never have heard him. I have been there when I heard him deliver the service.

Q. Never heard addressess?

A. Never.

Q. Have you ever heard patriotic addresses, or anything of the kind? The Will of Girard says, that the children shall be brought up to love republican institutions. Have you ever known him to deliver any such addresses while the war was going on?

A. I have known Mr. Allen to deliver addresses. It was going on all the time; there was an entire silence as to these affairs by Mr. Smith.

Q. Have you ever been present at the time of any funeral ceremonies?

A. Yes; I was there once.

Q. Was any suitable address delivered upon that occasion?

A. Mr. Lex delivered a suitable address.

Q. I mean by Mr. Smith?

A. No, sir; never.

Q. Did you know why he did not perform these duties?

A. No; I do not know why he don't, unless he is not capable. I do not know of anything else.

Q. Did not you express yourself satisfied with the funeral service?

A. Yes, sir; in every way; I thought it was first-rate.

Q. As to the whole service?

A. The whole service; I was very much pleased with it. That was only one service I was at, and that one was conducted

by Mr. Lex; and as everybody that knows Mr. Lex knows, that whatever he has to do of that sort, he will do well; of course it was all right.

Q. Do you know who did deliver the Sunday addresses generally?

A. I do not know; I think Mr. Guillou and Mr. Lex are there generally; and Mr. Smith has something to read to them out of those sermon books which he has got; little books which are got up for that purpose, appropriate for Sunday.

Mr. Littleton. This is not what was intended, it was something extemporaneous?

A. I do not care, so that they are appropriate for the occasion, and suitable for the boys.

Q. Did any of the officers deliver any of these addresses?

A. Yes, sir; Mr. Cox and Mr. Holden.

Q. Did Mr. Becker ever deliver any?

A. Yes, sir; I think so. I never heard him deliver any.

Q. The Board had nothing to do with it?

A. No; they had nothing to do with it.

Mr. Franciscus. Was there any notice ever given to Major Smith that he was about being removed?

A. Not that I am aware of, except the notice he got from the Secretary, that his time was up in three months from that time.

Q. He had no knowledge of it?

A. Not that I am aware of.

Q. Was the matter ever broached before the Board?

A. Not as to the day of removal.

Q. Was there any caucus previous?

A. Not any, so far as I know about. I was absent from the city the Monday preceding the Wednesday that this action took place, and I do not recollect seeing but one of the Directors during the time between the July and the September meetings. I may have met more, but I do not just now recollect of it.

Mr. Wagner. Was there ever any intimation by you, or any other Director, of your knowledge, given to you that his resignation would be acceptable, that you know of?

A. Well, at this meeting that we had, at the meeting of the Board that this removal was accomplished, Mr. Heaton said: "That as he saw the Board were decidedly of the opinion that he should be removed, if they would adjourn, he

would have his resignation there by the next meeting. and that if it did not come, that he would vote against him himself." That is all the intimation ever made of a resignation.

Q. Mr. Heaton was not authorized ?

A. He could not be authorized.

Q. Why did you not wait ?

A. I was in favor of waiting ; the majority thought otherwise. I thought we had better get rid of him, for the interest of the institution.

Mr. Stokley. What do you know in reference to the punishment of boys in the institution ?

A. Well, the punishment there is, to my mind, too rough. I have heard a good deal more about the punishment than I know. Have seen the lock-ups, and so on.

Q. Do you know whether the punishment was at all times inflicted under the authority or by the President, or not ?

A. That I do not know ; as a matter of course he must have delegated this power to somebody else, or it would not be done.

Mr. Stokley. The reason I ask that question is, because he must be consulted before any punishment is inflicted.

Mr. Littleton. Have you ever been in any of these lock-ups ?

A. Yes, sir.

Q. Where are they ?

A. Well, they are on the third story of number two, the first building to the right of the College, and there are lock-ups in the infirmary.

Q. Are there lock-ups in the infirmary ?

A. Yes, sir ; the lock-ups in the infirmary are up in the loft.

Q. Is that immediately over the room where sick children are confined ?

A. Yes, sir.

Q. Mr. Franciscus. Were not the lock-ups changed on account of there being sick children in the rooms, when the boys made so much noise as to disturb them ?

A. That might have been ; they are there ; I have been through them ; I have never seen any boys in them.

Q. Have you seen any boys in any other parts of the institution ?

A. Yes, sir.

Q. How long were they confined ?

A. I have heard of their being there from three hours to three months.

Q. Do you know anything of their not having opportunity to attend to calls of nature ?

A. They cannot do it, not unless they are taken down stairs.

Q. Is there any convenience for that purpose in the room ?

A. Not anything at all.

Q. Do you know whether they were taken down stairs for that purpose ?

A. That I do not know ; there is no other way ; nothing in the room at all.

Mr. Harper. Is there any other room or place they could have used for this purpose, where these conveniences were ?

A. Well, I do not know that there is ; they have quite a quantity of room taken up for these places ; any quantity of it.

Q. They have chamber arrangements in the dormitories ?

A. Of course.

Mr. Cattell. Do you know how often these boys were visited ?

A. No, I do not know how often these boys were visited ; but I saw if they were not visited during the day, they had no other means of relieving themselves.

Q. Do you know of any instance, of your own knowledge, of a boy being punished severely ?

A. Not of my own knowledge ? I have heard from other people, and there will be plenty of people before you.

Q. Do you know of this boy that was complained of, as having had his feet frosted ?

A. I think I have heard of that case.

Q. Did you know what that was caused by ?

A. Well, I heard it was caused by his being up there in the infirmary, or in the lock-up, wherever it was ; my impression was, that the lock-ups are in the infirmary ; or else he was taken, after his feet were frosted, to the lock-up in the infirmary.

Q. Was the room so cold that it caused it ?

A. That I do not know, of my own knowledge ; I have only heard it.

Mr. Stokley. What kind of food is furnished to these boys when they are confined?

A. Bread and water; that I don't know of my own knowledge.

Q. You heard of these complaints under the administration of Mr. Allen?

A. I never heard of anything of the kind.

Q. There would, of course, be some chastisement of this kind?

A. There never was anything of the kind, not that I heard of; there were lock-ups, but I never heard of anything of this sort. The best evidence of this is, that you cannot find a boy but what would go through fire and water for Mr. Allen; they speak of him in the best kind of terms, as if he were actually a father.

Mr. Stokley. Did a mother ever bring a boy to you during his leave of absence, and when he was allowed to come out of the College, afflicted with any disease of any kind?

A. Yes, sir; there was a mother came to me one day, and told me her boy had the itch; and his fingers were in that condition. I went out to the College, and Major Smith was not about; I went over to the infirmary and saw the nurse, Mrs. Lewis, and she had not the boy there; said she did not know anything about it. While we were there she sent for the boy. He came up, and looked a little like it; I saw nothing; the skin was a little rough; was not broken out. I believe she took him in there, and kept him there until she cured him.

Q. This was from the itch?

A. They call it the soldier's itch. She said it was that. It was a boy by the name of B——y; some such a name.

Mr. Stokley. He was allowed to go out, and the mother brought him to you?

A. No; she did not bring the boy. She came and told me of it.

Joseph R. Rhoads affirmed.

Mr. Wagner, Chairman, pro tem. Mr. Rhoads, you are one of the Directors of Girard College?

A. Yes, sir.

Q. And you voted with the majority with reference to the displacement of Major Smith?

A. I did.

Q. Will you be kind enough to state to the Committee in your own way, the reason for that action?

Mr. Rhoads. Well, I can only give you my own reasons, and not those of the majority. My reason for voting for the removal of Major Smith, was because, during a year and a little more that I have been a member of the Board, and in my capacity as a member of the Committee of Discipline and Discharge, I have seen, in want of anything else, enough to satisfy me that Major Smith was not the proper man for that position. Not that he had committed any great crimes, or anything of that sort; but I was satisfied that his administration there was not a success; that he was not a father to the boys; that he did not sympathize with them; that he was harsh to them, and harsh to the mothers when they came there, as they naturally would, in trouble at times, about their boys. And from what I saw of the punishment there, I was satisfied that that alone was sufficient cause for our displacing Mr. Smith, and finding somebody else for the position. I had no personal acquaintance with Mr. Smith at all before my election as a Director. I went there entirely unprejudiced either for or against him, and I think that probably it was some three months before I began to see what afterwards satisfied me entirely that if the time came when I should be called upon to decide whether Mr. Smith was the proper man for the position, I should have to vote for his removal. Among other things that satisfied me entirely, was the very severe discipline that seemed to be necessary on the part of Major Smith in order to keep order there, and even that discipline failing to have the desired effect, as to cases of absconding, and of other crimes and misdemeanors.

I was a member of that Committee of Discipline and Discharge, have several times visited, and I would say that the Chairman of the Committee on Discipline and Discharge has once or twice had boys removed from their confinement. They were not in a condition to be kept there without danger to their health and lives. We have found delicate boys—boys with consumptive tendency and appearance—locked up there from three weeks to two months on bread and water; and so far as the conveniences were concerned, they had no

water to wash themselves in ; and so far as the tending to the calls of nature was concerned, I do not know what conveniences they had ; but I think Mr. Roberts was mistaken with reference to the matter of their conveniences. That matter will come up, and I think that it will be proved to you by these boys themselves, that some convenience of that sort was furnished them, and they had to attend to these natural matters in the room ; and I would say at once, when a number of the directors and myself visited these lock-ups, we found the rooms so close we could not go into them.

We had to bring the boys out. There was no fire, and the only way to keep warm was keeping the windows as close as possible. In this place were two or more boys, without shoes. Because the boys were desperate, they would kick the doors. They were there without their coats, for what reason I do not know ; whether it would make them too comfortable, or that it would not be sufficient punishment. I do not know how that was, but in that condition we found them ; their whole appearance showing that their statements were true to the fact that they did not have water to wash themselves, or any conveniences, and the condition of the rooms showing what I have said. These children were not provided with fires ; they were not provided with any books, or any means of amusement, or any means of instruction, so far as we could ascertain. I have spoken with reference to this matter to Mr. Lex, and several members of the Board of Directors, at different times, and expressed my dissatisfaction that day, and I was met with the assurances that if we did not take care we would break up Major Smith's discipline, and that these things were necessary to preserve the discipline of the College. I became satisfied if those things were necessary to preserve the discipline of the College, that it was better to have somebody else there ; and from all that I could ascertain concerning Mr. Allen's administration—I had it from persons on whom I placed great reliance, and that he was the man to get it. I did not know at all, at the meeting of the Board, that Mr. Allen would accept the position. I felt sure that a change was needed there. I believe that I could have been satisfied to vote for Mr. Smith's removal ; satisfied that the Board would be able to find some one else who would be more capable in the administration of that College, and

able to manage it without this condition of affairs that we found there.

I myself have been around through the building, and have seen what, had you visited it a few weeks ago—or a few months ago—you would have found for yourselves. The bad condition of affairs in the eating-rooms and dormitories, and so on, which lay, of course, more particularly in the Matron's department, who has been displaced at the same time with Mr. Smith; and I believe that these things could have been remedied had we had at the head of that institution a man who paid a proper attention to the rules, and the general supervision, and made his rounds to see how things were going on, and to see that they were not going wrong. I have felt these things very much, and I have had, as other Directors have had, complaints, frequent complaints, from mothers of boys. I have endeavored to make all due allowance for the mother's feelings—that she is, of course, partial to her boy; and, of course, she thinks at times that he is improperly treated—and in making these allowances I have felt that these things were not going on right, when these complaints were necessary. That little boy, G——e B——d, was before the Committee on Discipline and Discharge several times, and his testimony will no doubt be before you. His feet were frosted by the cold of the lock-ups, in which he was put, to such an extent that he had to be taken down and have them treated with caustic, in order to cure them; and I believe it was finally upon that account that he was taken down from there. He was also very severely flogged by one of the Prefects, and the marks of the flogging remained upon him for a long time. He ran away in consequence of that severe flogging, and he had been kept there in consequence of the treatment, and for that reason he went away. His mother came and complained, and was harshly treated. She then came to the Directors, a number of them, and she bored them considerably, and finally some of them cut her off short, and she was impudent to them. That was represented to the Committee, and the boy was not discharged on that account; but the mother was so well satisfied of his having been improperly treated there—and you will be satisfied, I am sure, if you will call him before you—that she begged the Board, if there was any other way of getting rid of him, to dismiss

him from the College, which was finally done, believing that there was some reason for it.

That is merely one instance of the way in which boys have been treated; we had another one before us not very long ago—a little boy, M——n, who was confined, who, in my opinion, should no more have been put in the lock-up than he should have been put in the penitentiary; he was a little pale, delicate, consumptive boy, who appealed to my feelings pretty strongly when he was before us; one of the Prefects had threatened him with a punishment; he threatened to bore a hole through his nose; said he ought to have a ring put through it, and to be tied up to put him out of mischief; the little fellow thought he was in earnest; he was frightened, and went away so much frightened that he foamed at the mouth; we have this from his mother, to whom he went; she brought him back; she begged the punishment for running away to be dispensed with; the boy was put in the lock-up, and kept there for a long time; in fact, the Board found him there.

I would say to you, gentlemen, that it may be asked, as it has been asked here, why, if these things were going on, why Major Smith was not called to an account for them?

I would say, it was represented to us constantly, by his friends in the Board, that these things were necessary in order to maintain the discipline there, and it was in my mind, principally from the feeling, that if Major Smith could not maintain discipline without these things, he should be displaced, that I voted in favor of his removal.

Mr. Franciscus. Was this before or since Major Smith's place was declared vacant?

A. We found him there since Major Smith's place was declared vacant; I merely mention it as one of the instances in which these things occurred.

These things, Mr. Franciscus, and gentlemen of the Committee, have been growing upon us; we have seen it more and more; I myself have not been a long time a Director of the College; I was elected a year ago last June, and of course it took some time for me to become familiar with the place, and to find out what was going on there, and this has been, in my mind, a growing matter, a growing feeling of dissatisfaction, until I became satisfied that there was no way to change it, except to have some one else at the head of the

institution: there have been other cases that are well authenticated; it came to me in such a way that I thought there was very severe flogging by the Prefects, boys being flogged without any clothing on but their undergowns, and these things had not been properly inquired into by the President; one mother's complaint was, that they could get him to make no inquiry, to make any redress at all; his treatment of mothers, when they came to him to speak to him, as very naturally they did, was very harsh and unkind, and in some cases exceedingly uncivil, as they will testify to you, a number of them, if you will call them before you; in fact, a great many hundreds, I might say, if you can reach them; they are scattered, of course, and it will be difficult to do so; but a number of them will come before you, I have no doubt, to say the way in which they have been treated. The trouble seems to have been that Mr. Smith lacks feeling for persons in their position, whether because of his position in society I know not; whether he considered them inferiors, and not worth the proper treatment, I do not know the cause; I only know that they come to me well authenticated, and that they were treated in this way; these are the facts of the case; then, gentlemen, there was so much as to the fact of the cases of treatment, that was in my mind so very improper and detrimental, so far as mothers and boys were concerned; the records of the College, and of our Committee on Discipline and Discharge will show you a good many instances that we have had before us. Then as to the treatment of the Alumni of the College, the graduates of the College; it seemed to me that the treatment by Major Smith towards them was not such as should characterize the treatment of a College towards the young gentlemen who had left there, and been out fighting their way in the world; the communication which he sent to the Board, at the time when the Alumni proposed to have their celebration there on Mr. Girard's birth-day, it seems to me, was an ungentlemanly and uncalled for communication, and I am sure the Alumni felt it so, and I felt it so myself. It was, I think, laid upon the table by the Board. President Smith was instructed to take the necessary steps to give the Alumni their usual welcome at the College, and enable them to have a good time there. There had been some difficulty, I believe, at the Alumni meeting a year be-

fore, and that was so stated by Major Smith as his reason for his communication.

But as far as I can learn, the difficulty was not made by the Alumni at all, and proper regulations on his part would probably have prevented the difficulty that they had then. And I thought such a communication with reference to the Alumni, should not have been sent in to the Board. It was one of the many things that went to form my opinion of the propriety of keeping Mr. Smith there as President of the College. Among other things, it was clearly proved to me as it will be to you, that during the time that Major Smith was at the College, while the war was still being waged and the rebellion was still active, on the occasion of victories, then the flag was not raised over Girard College, which I thought a very improper thing; and that it was not so raised on the occasion of the declaration of the Gettysburg Cemetery. When the Governor requested that private individuals and public institutions should display their flags, I examined into this thing, and found it was neglected by Mr. Smith's own direction. That will be proved to you; it will be shown to you by persons who know the circumstances.

Independent of that, and I would say here, that when these matters were inquired of, Mr. Smith's warm friends in the Board gave the reason that the halliards were out of order. It seemed to me that they could have been fixed in a short time, and it seemed to me that if there had been heart in it, they would have been fixed.

I have made a good many inquiries, and I have been up to the College a good deal, as far as I can ascertain, and there has not been one word spoken by Major Smith from the time he was President, from which the boys might learn which side was right or wrong; nor have any of the lessons of patriotism, which that struggle ought to have taught, been instilled into the minds of those boys. Major Smith has thought proper to pass the subject by, without remark or comment; and that has seemed to me, as no doubt it will seem to you, particularly when you have it shown to you, as a very improper manner of treating the subject. I felt that we should have somebody at the head of Girard College who would instil these lessons. It is expressly provided for in the Will of Mr. Girard, that these lessons shall be instilled, and we want a man there who shall have some heart

in instilling these things, and that heart has been lacking; there is no doubt upon that point in my mind, and you will have no doubt at the close of the investigation. I do not know for what reasons; I do not know what Mr. Smith's politics are; it is alleged in the Board, that he was a Republican, and a member of the Union League. I did not vote for him or against him on the grounds of politics. But I did feel that there was a just ground of complaint that these lessons had not been properly fulfilled, and that no heart was shown in the matter of loyalty and patriotism, for some reason.

These, gentlemen, are a few of the reasons that influenced me in my action. I cannot pretend to give you all the reasons, because there are a great many things that go to make up one's judgment; but I was satisfied that we would be derelict in our duty in keeping him there longer. I had felt for some time, that I did not wish to offer a resolution for his dismissal, but if a resolution was offered, I should have to vote for it; and I did vote for it. If there are any other points on which the Committee of Councils would like to hear from me, I shall be very glad to do what I can, and say what I can to enlighten them in reference to matters connected with the College. The majority of the Board felt somewhat aggrieved at the way in which the rules were received by the President, and from what we could hear from the College, in the way in which he spoke of them to others, we felt aggrieved at what seemed to be an unwillingness on his part to cordially co-operate with a majority of the Board in their efforts to improve the condition of the College.

Mr. Tyson. You spoke about Major Smith being harsh and severe to the boys; were you present on any of these occasions?

A. I have seen his manner with the boys frequently; I have not been present on any occasion on which he inflicted severe punishment; and so far as I am concerned, I do not accuse Mr. Smith of being that, of his own nature. I know of one instance which has occurred not very long ago, in which he treated a boy, as I think, very harshly, in whipping him in the presence of the sister, whom he had not seen him for a long time, when the sister and the boy lost an older sister. The girl was a young lady of twenty years of age, who had come on from Illinois to see him. She stated to Mr. Smith

(as she will testify to you,) the circumstances, and he knew them, and asked him if she could see the boy, as she did not wish to go back to Illinois without seeing her brother. He refused, saying "That the boy had not been behaving himself." She told him "That it was very strange to punish her for her brother's misconduct." He said he could not help it. First he refused to let her see him at all; finally, by a curious accident, the boy was brought in for punishment into the room where they were; and Major Smith said, in what seemed to her a cruel, heartless way, "Well, you get to see him now; I did not intend you should." And the boy was then brought up, and she begged Mr. Smith, under the circumstances, to omit the punishment.

He stated to her, that he must punish the boy, but she could retire if she liked; she said, that under the circumstances, it would be very cruel to punish him while she was there, and begged him, that as she had come so far to see him, etcetera, that he would let the punishment go; he said, no, he must punish him; and then she said, she would stay and see it out; he then thrashed the boy in her presence; this, I thought, an uncalled for thing, as was his language to her at the time.

Mr. Tyson. You was present at that time?

A. No, sir; I was not; her sworn statement will be given to you.

Q. Did the Board take any action upon it?

A. Not that I know of.

Q. It was not mentioned to the Board?

A. Not that I know of; and in fact, gentlemen, I will state to you here, that so far as any complaint being made to the Board was concerned, there were and there are in the Board, several old members of the Board, who have been there a long time, who have constantly, when any dissatisfaction has been expressed by other members, if I may so express it, pooh-poohed the whole thing; they have treated it and treated us as if we knew nothing of the condition of the College, and cared nothing about it, and cared not for its good, and that is one thing that made a lack of that harmony in the Board which would have produced the thing in the shape in which some of you would have liked to have had it come; in the shape of charges and investigations, and all that sort of thing, it produced that feeling in the minds of members of

the Board, that with other things that made an action being taken, Major Smith, as it was done, that and the fact that Major Smith himself had never consulted with any other members of the Board than just those few gentlemen, led with other things to a lack of harmony in the Board, which would have caused a thorough and fair investigation; the Committees of the Board were not constituted in such away that you could expect generally any report from them, or that the majority of the Board could have expected any report would have been unfavorable to Major Smith; these were things that were within our own knowledge; things we saw ourselves; things that came to us in Committee on Discipline and Discharge; things which came to us from authentic sources outside.

Mr. Tyson. Was it not your place as a member of the Board, to mention these things to Major Smith?

A. My relations were not such that I felt called upon to mention them; he had never consulted me in reference to the management of the College, and had never acted towards me in a confidential way; that would have led me to speak to him of these things; I have mentioned them to Mr. Lex, with whom my relations were cordial; he has declined to listen to them, and he treated them as things not of any account.

Mr. Cattell. Were you on the Committee?

A. Yes, sir.

Q. Who are the other members of the Committee?

A. Mr. Foust is the Chairman, I think; Mr. Haines is a member, or was a member of the last Committee; the Committee is differently constituted now.

Q. I mean previous to the dismissal of Major Smith?

A. I cannot give you the names of the Committee; I know those who were generally present were Mr. Haines and Mr. Foust, and myself.

Q. You spoke of this boy B——d, being confined; I think you said his name was B——d?

A. Yes, sir.

Q. The Committee saw him, and had him brought out of the room?

A. Yes, sir.

Q. What time of the year was it?

A. That was lately ; that instance was since Mr. Smith's removal ; at least we found him there.

Q. I speak of this B——d, the boy that had his toes frosted ; was it last winter ? at that time you did not see him ?

A. No, sir ; except when he was brought before the Committee on Discipline and Discharge ; it was M——n who was up in the lock-up ; B——d's case occurred last winter, and we had him before the Committee ; and it was during his confinement, after he was brought back to the College, that that occurred ; that was in the winter, or rather in February or March, in cold weather, he was confined without fire.

Q. Did you see inside of the room ?

A. Yes, sir.

Q. What kind of an arrangement had he there ?

A. The room was very bare ; there was a mattress and a blanket ; that appeared to be all the furniture that there was there ; there was a chair, on which set a tumbler of water and the bread for the supper.

Q. Any blankets ?

A. I think not ; it seemed to me that there was a cover, and he had, during day-time, wrapped this blanket around him.

Q. Was there any fire in the rooms ?

A. No, sir ; no place for fire ; and that was one of the things I felt to be entirely wrong ; and keeping them in such places during the coldest weather of the early autumn.

Q. What clothing had he on ?

A. The boy B——d had no shoes on, and no coat ; they were taken away.

Mr. Wagner. Any stockings ?

A. I think he had stockings ; I am not sure of it. We had several cases—one or two of them. Mr. Foust took the responsibility of taking the boys from this place.

Q. You know of more instances ?

A. Oh ! yes, sir. I merely mention this as a single instance that had appealed particularly to me.

Q. Do you know what cause was given for putting them in ?

A. They were put there for running away, and other misdemeanors.

Q. Was running away the principal one ?

A. Yes, sir ; and the reason given for putting them there

was, that that had to be, to secure a place for them; and, as you can well understand, after a boy had been confined six weeks, the very first thing was to go over the wall again—of course he would.

Q. Do you know how long this boy B——d was confined?

A. I think he was confined there about a month.

Q. You spoke of not thinking Major Smith was a proper man for the place; what is your ideas of the duties of the President?

A. My ideas of the President's duties are these: that he is to have the general supervision of the College, under whose rules he is responsible, really, for everything that goes wrong there; if the under officers are not proper men, he should report them to the Board. He should examine into all cases of discipline, and see that the whippings inflicted by the lower officers are not too severe; that these officers are not cruel. He should see to the beds and the tables, and that everything of that kind are kept in proper condition by the proper officers there. The Board of Directors cannot be there all the time to do it, and they appoint the President of the College for that purpose, and they expect him to attend to that. He should be a father to these boys, who are fatherless and motherless; he should sympathize with them, and should be a man to whom they could go; about their troubles, and not a man whose manners and character is such that the boys dread to approach him, as you will find when you investigate further, that they dare not go to him for fear of a rebuff. That, as you can well understand, tends to make boys unhappy and discontented, and, of course, leads to these constant cases of absconding which have given so much trouble there.

Q. Did Major Smith, to your knowledge, complain that he had not enough assistance to attend to the duties?

A. Never, to my knowledge.

Q. Do you think that he had?

A. I think that he had, as I understand it; his assistance is quite as able and effective as that which President Allen had, except that, in the matter of the Matron, during the past year. The Matron has not been a good one, and the Board have since put there Mrs. M——l, who was there at the time of Mr. Allen's administration, whom we think to be a very able Matron; and although that matter is not formally

before you, by the resolution of Council, I would say that I think you ought to consider the removal simultaneous; and this was made without the preferment of charges, and without a lengthy investigation, as I believe such removals, for the good of such an institution, ought to be. I think that when the Board of Directors are satisfied of these things—that things are going wrong—it is their duty to remove, and not to cause trouble and constant bringing of these things into the papers, as would have been the case had the Board taken and investigated this charge; as it is possible, as the case is now, I know that such things are bad, and that it is bad to call the under officers and under teachers to an account. That it creates a bad state of affairs among the pupils. I have long felt, and I do still feel, gentlemen, that the proper way, when the Board are satisfied that a removal is necessary, is to make the removal, giving sufficient time, from the time of the passing of the resolution of removal, for the occupant to find some other means of supporting himself, which the Board did in this case. They allowed two months to President Smith, and one month to the Matron: supposing that to find the higher position it would take more time than for the other.

Mr. Harper. In reference to that boy B——d, I want to ask you another question. I think you stated that you had eventually allowed the boy to leave the College?

A. We dismissed him, sir.

Q. Well, why did you dismiss him?

A. I voted for his dismissal, because I felt that there was ground for his mother's dissatisfaction, and I did not want after the reports that we had had with reference to him, and the difficulty that Mr. Smith had had with him. I did not want to say that the boy should be kept there, because I was satisfied that he would not meet with the treatment that he should have had there, and because we could not well and honorably dismiss a boy who was charged, and who had no doubt committed offences there.

Q. Did you make any report to Major Smith as to his dismissal?

A. No, sir; I did not. I did not know until a few days before, that such a resolution would be brought into the Board, not until the day before, and I had been for some months prepared to vote for such a resolution, if it should be

offered. I had felt that Mr. Smith was not the proper man for the position.

Q. I ask whether you explained the matter to Mr. Smith?

A. I did not. No, sir.

Q. In reference to the boy with frosted feet, was that matter ever brought before the Board?

A. That matter did not come out until since the removal of Major Smith. But it occurred before, it occurred last winter. I would say to you gentlemen, that these little boys, when they are brought up before the Committee on Discipline and Discharge, have been labored with earnestly and faithfully to get them to state to us the cause of their trouble and dissatisfaction, and it being in Major Smith's presence, and in the presence of those known to be his warm supporters and friends, they will not of course, say these things, and subject themselves to punishment afterwards. We cannot get them to do it. We did not find them affected with frosted feet, never to my knowledge, until that came out. I do not give that. I mention that to you as one of the instances that had occurred; there was enough, to my mind, in what I had seen there.

Q. Your name was appended to this communication in the newspaper, with your approval?

A. It was.

Q. You said that this gentleman had been tried for three or four years, and that is one of the reasons of your actions. Have you been a member of the Board three or four years?

A. No, I have not. There have been others who have. I have been a member of the Board for something more than a year.

Q. You take the word of other parties?

A. I do sir. I take nobody's word, but the word of persons in whom I have confidence, and gentlemen no doubt, you will have confidence to, and putting things with what I have said myself, I feel that I am right.

Mr. Harper. We will be the judges of that. I wish to ask you whether any resolution of inquiry was ever offered, as to the discipline of the College?

A. I think not, sir. These have been things, that were within our own, or in the knowledge of members of the Board, and it seemed to me that a resolution of inquiry would have been a farce.

Q. Did you ever make any complaint?

A. As I have said before, I never made any personally to Mr. Smith.

Q. Was the President ever asked in the presence of the Board as to the discipline, or any fault found with him?

A. The President has been asked a good many questions at the meetings of the Board, some from which I should think that he might very easily deduce that the Board were not satisfied with the condition of affairs there; had he been of reasonable astuteness, and I have no doubt that he knew them.

Mr. Harper. You are a member of the Committee on Discipline and Discharge?

A. Yes, sir.

Q. Who compose that Committee now; can you give the names?

A. I believe Mr. Foust, Mr. Truman, Mr. Moore, Mr. Remsen, and Mr. Horne, compose that Committee; it has been appointed since September.

Mr. Harper. How many of these gentlemen have acted in this matter on the resolution of dismissal?

A. I do not know, I think a part of them, more than of the Committee during the last year, considerably more.

Q. I want to ask you whether the same persons do not compose the Committee now, that did last year? with the exception of one or two?

A. I think there are one or two different.

Q. Was Dr. Smith on this Committee?

A. I think so; I am not sure?

Q. Has not Mr. Horne been put in his place?

A. I do not know, sir. I only endeavored to discharge my duties in it.

Q. You stated, at that time, you were one of the members of the Committee on Discipline and Discharge. I was going to ask you whether, if ever, they presented any complaint against Major Smith?

A. I have not. We endeavored for a long time to correct the matter ourselves, by our supervision there; and it was only, as I say, after some months of my term had expired, that I became satisfied, though I could not be satisfied then as to the way in which I believe we have now corrected it.

Q. When did you receive a knowledge about which you testify here?

A. These cases have been accumulating during, I think, all the time that I have been there. At first I hoped that they were exceptional.

Q. When did you find out about them?

A. I have found out about them during the course of the year. I knew enough at the time I voted for the resolution to satisfy me that Mr. Smith was not the proper man for the place, and I have learned some things had taken place which has satisfied me still more. If the same ground was to be gone over again, I should have no objection as to doing what I did before.

Q. Did Mr. Allen wait upon you previous to this action of the Board?

A. I never saw Mr. Allen until I voted for his election. I voted for his election then, because I knew from among many reliable persons—William Biddle and M. Dawson—who had been there before, there were few men as capable. No; I never saw Mr. Allen or knew him personally until after I voted for his election.

Q. Were you elected a member of the Board of Directors, and pledged to vote against Major Smith?

A. No, sir; I never knew him before I was elected. I was introduced to him on the steps of the Mayor's Office. I entered the College without any prejudice of that kind; Mr. Cattell knows that.

Mr. Stokley. You are a member of the Committee on Discipline and Discharge. Did the President ever report any of these cases of absconding?

A. Oh, yes. He reported a number, and they have been before us.

Q. Did he report the case of this boy, at the time he first ran away?

A. I think he did. I think he reported the case of his absconding. It was when he was brought back that he was put in the lock-up; and I cannot remember whether our action was taken before or after.

Mr. Stokley. When the boys are in that condition, and are taken to the infirmary, is it not his duty to report?

A. I think so.

Q. Has he ever done that?

A. Not to my knowledge.

Q. The question is, whether he ever reported the condition of the Infirmary?

A. That is reported to the Board each month, in the general statement of the number of sick and ill, and the diseases.

Q. Well, then, when he reported these cases, or the condition of the boys in the Infirmary, did he ever report this case of the boy with the frosted feet?

A. Not that I know of; and even if he did, I would state, that members of the Board have ridiculed the idea of the President's knowing anything about the condition of the table, or table linen, and so on.

Q. It is stated to be his duty to see to the table and the food that is placed thereon. Do you know whether he has performed that duty or not?

A. I do not know. I have not seen him at the suppers when I have been there.

Q. Mr. Stokley. Is he not more particularly required to be at the dinner?

A. You will find it in the rules. As to that, I cannot testify with reference to it.

Mr. Stokley. I ask that, as the papers have ridiculed the idea of the President's having anything to do with the dinners; and I see it is his absolute duty to be present at the dinner table every day with the boys.

Mr. Littleton. Did you vote against him from any political or personal feeling?

A. Not at all.

Q. Have you been on pleasant terms with him?

A. I cannot say I have been on pleasant terms with him, because I have felt that things were not going on right there; that possibly has made a certain coldness in my manner towards Mr. Smith.

Q. I thought you were acquainted with his family?

A. His wife called once upon my wife, after her visit at the College; after the last Alumni meeting. I believe there has been no other meeting.

Q. Well, I want to ask you one question as to Mr. Allen. Did he ever endeavor to induce you to vote for or against Major Smith?

A. I never saw Mr. Allen; nor have I ever heard from any member of the Board that he did so.

Q. Why was the resolution not passed, requesting him to resign?

A. The reason assigned for that sir, is: That there was no gentleman authorized to tender his resignation, and because I did not believe the resignation would come. It possibly might have been a more kindly way to have done it, and if I had been sure that the resignation would have come, and that the office would not have been held on to, as it is being now held on to, I possibly might have voted for the resolution; and if, also, the conduct of Mr. Smith's warm friends might have been different in manner although not different in effect.

Q. You have spoken of the failure to instruct the boys in principles of patriotism?

A. That I have inquired into particularly. Of course my own knowledge must have been negative as to that, because I have not been there all the time, and he might have done it without my seeing him. My information is, that he has not given these lessons of loyalty and of patriotism which the condition of the country for the last seven or eight years ought to have instilled.

Q. Do you know the condition of things under Mr. Allen's administration.

A. Only from what I can learn. I learned that Mr. Allen was very particular about these things, and always endeavored to instill republican principles as far as possible, and that that was made a reason for his being forced out of the place by the Board that was then in, as you know they differed from him in politics.

Q. Do you know the manner they took to remove him?

A. I believe they reduced his salary, and resorted to a great number of embarrassing proceedings.

Q. Do you know what proportion of the graduates have volunteered in the army?

A. No, sir, I do not know; I believe none at all. I would say this, and it reminds me of another matter in which I think the President acted wrongly, but it was not one of the grounds on which I voted for his removal, for it was done a long time ago. It seemed to show to my mind a lack of that heart which I think I have spoken of; in the instilling of republican principles. This was evinced on the part of the boys of the College, who at the time I believe, of one of the raids during the war, volunteered and joined a cavalry regi-

ment. Major Smith properly had them brought back; it was his duty to do so. Instead of treating this as not a most heinous offence, he had these boys reported to the Board, and had them dismissed by the Board, which was of a different political complexion than the present Board. For I do not think they would have dismissed any one, for that offence.

Mr. Harper. Did you say he dismissed them himself?

A. He reported them to the Board, which dismissed them. They were brought back and put in the lock-up.

Mr. Stokley. Were not some of the boys those who went afterwards into their country's service?

A. I have no knowledge of that, at all.

Mr. Harper. You spoke in your previous testimony about the flag-raising; I want to know if there is one particular instance that you can recollect, excepting that of the Gettysburgh?

A. No, sir; no particular instance that I recollect, except that the general orders to have the flag raised on such occasions were neglected, and were on that and one or two other occasions in which the boys wished to have the flag put up. It was refused by Mr. Smith, as I have from information which you will have before you, and testimony that it did not go up in consequence of that disposition on his part.

Q. Did you know that of your own knowledge?

A. I was not there in '64 or '65. No, sir; I was satisfied in reference to these things. I would say what is more, that the failure to raise the flag was not denied by his friends, but it was given as an excuse, that the halyards were out of order.

Mr. Littleton. Have you examined the building very lately?

A. Not very lately; I was through them—a part of them.

Q. Have you examined the privies?

A. No, sir.

Q. Have you examined the bed-clothing, as to the matter of the vermin?

A. That I have from persons who have been there and seen it, and persons whom I believe to tell the truth. I have seen the condition of affairs in other parts of the house, and that satisfied me that that was very probable. I do not like to investigate such things.

Q. By Mr. Littleton. I want to ask whether, on the occa-

sion of Lee's surrender, it was not thought best to raise a flag, and the President did not put a flag up on the top of the College?

A. No, sir; I am informed that it was not done on this occasion; persons who were there upon that time, and will give you the testimony upon that point.

Q. Were the boys not taken out of the lock-up, for the purpose of being washed?

A. Not according to the testimony which I have; not to my knowledge; as to that, I can only say, that the condition that they were in, satisfied me that they were not.

Mr. Franciscus. I desire to ask you a question. These young men that enlisted and went out to Camp Cadwalader, when they were brought back to the College, and Major Smith laid the matter before the Board, did not the Board decline acting?

A. I have stated I was not a member of the Board at that time.

Q. Did the Board not decline taking measures to expel?

A. Major Smith expelled them; I do not remember the exact way.

Q. They were expelled by his consent?

A. They were expelled by his consent, and with his wish, as I understood it.

Q. And by his recommendation?

A. I do not say that, for I have no direct information whatever it was by his recommendation; but he recommended them to the Board as cases of deserters, and as I understand it, they were expelled from the College.

Mr. Franciscus. Would not this be a case of severity?

A. I think that it was all right for him to bring the boys back, but I do not think that any such circumstance as that, and I do not think that you will think so either—that it was a case that called for severity to the boys, or expulsion in disgrace; and that no man, who had heart in the struggle, would have done it. I do not think any such person would have done it.

Q. Can you recollect any specific cases of severity to the boys?

A. There was one case, in which Mr. Lex went up to the infirmary, and I complained of the condition of things there.

Q. Did Mr. Lex go with you?

A. Yes, sir; Mr. Lex seemed to think that that kind of discipline was necessary for the good of the College.

Q. Did you ascertain that that boy had a place in New Jersey?

A. It was alleged so.

Q. Did you ask the boy that question?

A. I do not know whether I did or not; I would say that that question was asked the boy a great many times by Mr. Lex, and that finally he said he had a place, but I do not think he said that was the reason that he ran away.

Mr. Stokley. Would he not naturally look for some place to go to? It showed that he had good occasion to run away.

Q. Has it not been shown that this running away was the result of a desire, on the part of the boys, to get places outside?

A. I think if you will investigate the matter, you will find that this is not the case, that that was the result of the boys not being treated as they should be, and not being happy in the institution, on account of the lack of a father for the place.

Q. Has there ever been a case of boys being reported to the Committee, and while before you, insisting that they would run away, upon account of the treatment they were receiving, that the treatment was not kind, and they could not, and would not stay?

A. Yes, sir; we have had one or two cases of that kind; they hesitate to say what they will say elsewhere, as you understand, when little boys, of eleven and twelve, are questioned before the Board, with Major Smith present.

Q. Did, or did not, on one occasion, a boy assert that he would run away, and you asked him if he had a mother or sister to take charge of him, did not he say he did not know where he was going to go?

A. I think so; my impression is, that there was such a case before us.

Q. Mr. Littleton. Do you know whether the President examined a class, as the rules require?

A. No, sir.

Q. Have you ever been present in the chapel service?

A. I have not, sir; I think I have never been in on Sun-

days; I have a Sunday school class, of boys, morning and evening, in St. Philip's Church.

Mr. Harper. In this communication, in the newspaper, it asserts "that Major Smith, either directly, or through his friends caused the motives and persons of the Directors, to be assailed by almost daily attack in the columns of the public press, and he has thought it consistent with the dignity which is supposed to belong to the President, to cling to the office, and to refuse to acknowledge the authority that employs him." Now, sir, do you know that Major Smith has made efforts to get these things in the papers, or whether his friends have made the effort to get them in?

A. I believe it, sir, from the course of his conduct, and from what I have been able to see, that was very evident.

Q. You simply believe it from the articles themselves, and not from your own knowledge?

A. From that and what these articles seemed to indicate to any legal man, that there was a similarity of origin.

Q. Have you seen the denial that they had been in any way influenced?

A. No, sir; but this I have: I saw, in an editorial in the Bulletin, that they had not been influenced in that way. The Bulletin and the Public Ledger have denied it absolutely.

Mr. Stokley. Did you ever know when the public papers did not try to go back on their editorials?

A. I think they are very apt to do so. I can refer particularly only to a case where the Bulletin had assailed my character; and when I went to him, he said that he did not know anything about it. What the paper says goes a very short distance. I do not think that what is in the papers is exactly in point as testimony.

Mr. Harper. It is so far testimony that you are on your oath, and that you signed this paper.

C. R. MORGAN, M. D.,
Sworn Reporter.

November 8th, 1867.

George Truman, Jr., affirmed.

Mr. Smith, Chairman. You are one of the Directors of Girard College?

A. I am, sir.

Q. You are one of the gentlemen who voted for the removal of Major Smith?

A. I did, sir.

Q. You will be kind enough to state to the Committee in as concise a manner as you can, the reasons that influenced you in doing so.

Mr. Truman. I voted for the resolution, conscientiously believing I was acting for the best interest of the College and its inmates, and though probably some of the gentlemen of this Committee may think my having been a member of the Board so short a time I should not have acted as I did; but the information I had with regard to the College was not confined to the time I had been a member of the Board, and I had known that for a number of years, from sources which I deemed reliable, and I knew the condition of the institution, in a measure, of some of its abuses, and after being elected a member of the Board, through the months of July and August, I was out there frequently, previous to the passage of the resolution, and had occasion to examine into the matter, more particularly into the condition of the houses. Of course I could not attend to much else, and I felt satisfied then that the reports that I had heard were in a measure true; and since I voted as I did, I have become firmly convinced of the fact that I did right. I have examined closely into these affairs—as to the discipline of the College, into the manner in which children have been treated; I have visited several times the lock-ups; I visited pretty thoroughly the dormitories, lavatories, and out-buildings—and I have become convinced that the treatment that these children received was not the treatment that should be administered to boys of the age that I have seen in that lock-up. I cannot designate it in any other milder term than brutal. Those that I have seen—I have not seen many.

Chairman. Can you state any cases that have come under your own observation?

A. I have seen several. This was after I voted for the

resolution. I do not know whether they came before this Committee or not. These boys I have seen since the action of the Board. I saw three boys in one of the rooms of building No. 2, third story of the lock-up. The room was not a fit place to keep any child—the atmosphere was terrible—in fact, there was a number of men up there, and they were forced to leave the room, and I could not put my head inside the door, the stench was so terrible. No air could get into the room. The boys seemed to have been attending to the calls of nature in the room, and, of course, created a terrible atmosphere. They were there without shoes, in their stocking-feet; there was one mattress, with one blanket; there was an iron bedstead with a mattress upon it, and one blanket for three boys. In the adjoining room, which is sixty feet long, an immense affair, not very high, two little boys, I suppose orphans, of eleven years of age, with nothing but a mattress; nothing to amuse, nothing to instruct or attract their attention. They were standing at the window, looking out, and even my heart bled for them. It was cool, quite cold. It was three weeks ago, I guess—a little cool spell we had—it was cold enough for overcoats outside, and it was very chilly up there.

Q. Were they without shoes?

A. Yes, sir; these things came under my own observation; I can only speak of them, notwithstanding they have occurred since the action of the Board in regard to Major Smith; the rooms in the dormitories, I think, were in a very bad condition; it may be said, that that is the fault of the Matron; I think the President is the executive officer of the College, and should look after these things more carefully than they seem to have been; the bed clothing was in a very bad condition indeed; also, the beds and bedsteads; some of them, a great many of them are not at all suited for a boy to lie upon; they have become very much bent, and it's just like lying in a spoon, almost; in a very great many instances, through the upper dormitories, the bedstead is a perfect hollow, and the boy has to lie right in the centre; it should not be, it is not the proper position for a boy, nor for any one to lie in; they should lie upon a flat, even surface; the bed-clothing was in a very bad condition, and I do not think sufficient for a child; the coverlids seem to have been cut in half, and the consequence is, that they do not cover the edge

of the bed; they will not tuck in at all; and a boy at night, in becoming restless, as children generally are, would not have any clothing on him at all; the lavatories were in a very bad condition—very bad; the atmosphere was terrible; things were very dirty, and did not look to me as if a proper care had been taken; I was very much disappointed in the appearance of things—very much—notwithstanding I had heard a good deal of the condition of the College before going there.

Q. By Chairman. I see in the rules dated September, 1866, "That the President is regarded as the executive officer of the College; was it not understood in the Board of Directors that he had full and supreme control of the College?"

A. Yes, sir; I think it is the understanding of all, that he had the general supervision of everything connected with the College; that the Matron, Steward, and other parties and officers were responsible to him; that they were to look to him in a measure.

Q. And *he* to the Board of Directors?

A. Yes, sir.

Q. Did he ever make any investigation with regard to these matters? Do you know?

A. I do not know; he may have done so before I went in; with regard to the lavatories, I do not know whether he called the attention of the Board to it or not; I know the Committee on Household had the subject in charge, whether he called the attention of the Board to it or not I cannot say; if he did, it occurred before I went into the Board.

Chairman. Do you know anything of the punishments that have been adapted?

Mr. Harper. I object to his answering that question; I think he should make his own statement.

Mr. Truman. I have a very short story to tell; I should like very much to allow Mr. Smith to go on.

Chairman. Have you anything else to remark upon?

A. I believe not, sir.

Mr. Stokley. Mr. Truman, in reference to the investigation of the dormitories, did I understand it was after the passage of the resolution or before?

A. It was before and since, and I have been through them frequently; along through the months of July and August.

Q. Your visits to the lock-ups, were they since the passage of the resolution?

A. Yes, sir; they have been since.

Q. Was there not a little difficulty during last week?

A. I have not heard of it, at all.

Mr. Tyson. You say you saw things about the out-buildings in a bad condition?

A. Yes sir.

Q. Did you make any report to the Board?

A. I mentioned it to the Household Committee; I did not make any report to the Board.

Q. What action did they take?

A. I do not know whether there has been any action; the time is coming when there will be.

Q. Did you mention it to Major Smith?

A. No, sir.

Q. You say the treatment was bad to the boys?

A. Yes, sir; I think the treatment of placing the boys in the lock-up, in the condition in which they are in, which is a bad condition, is very bad.

Q. Did you make any report?

A. That has been since the action of the Board in regard to the passage of the resolution.

Q. Did you see that yourself?

A. Yes, sir; I saw boys in the lock-ups.

Q. Did you see the treatment?

A. That is the treatment I allude to.

Q. You spoke of its being cruel?

A. That is what I call cruel treatment.

Q. Did you see them chastised yourself?

A. No, sir; I never saw them chastised.

Q. In what condition are the lock-ups?

A. The first room I entered was in a bad condition from the state of the atmosphere; it was terrible atmosphere; I did not see how any one could remain in there an hour.

Q. Then you, as a member of the Board, witnessed these things, and made no report to the Board?

A. We made a report. We were in there as a Committee on Discipline and Discharge.

Q. What action was taken?

A. The way that the report happened to come in was, the Chairman on Discipline had reported upon a boy being locked

up that afternoon, and members of the Board requested to go and see him, and several went along; most of the members of the Committee that were there went along with him; it was a boy, I think, by the name of M——n—it don't matter about the name; the boy had run away, and the mother had come to the Chairman of the Committee and made some complaint. The boy was unwell, and had been unwell for some time, and was returned to the College, and, I think, went into the infirmary, and from the infirmary he was taken to the lock-up. I should judge that it was not a fit place for him at all. He was a very delicate-looking boy.

Q. Did you speak about going to the bed-chambers, and that they were in a bad condition?

A. Yes, sir; beds and bedding.

Q. Did you make any report of them?

A. I shall bring the question up as soon as the Board meets.

Q. How long ago since you noticed that?

A. I noticed that more particularly about two or three weeks ago; two weeks ago I made a more thorough examination, at that time, of the beds and bedding.

Q. The Matron has entire charge of that, has she not?

A. Yes; she has charge; it goes under her direction, with the advice of the President.

Q. It comes directly under her charge?

A. Yes, sir.

Q. Was it not your business to report it to the Board, or to her?

A. I did mention it to her.

Q. What satisfaction did she give?

A. The present Matron is doing all her endeavors to remedy it; she is renovating the beds, and is doing all she can, with the means at her hand, to place things in a much better condition.

Q. Did you mention it to Major Smith?

A. I did not, sir.

Q. Mr. Littleton. Where are these lock-ups?

A. They are in No. 2, I think it is called.

Q. Which floor?

A. The third floor.

Q. Do they occupy all that floor?

A. Most of that floor.

Q. What is the second story occupied for?

A. Dormitories; and the northern end is used as a shoe-maker's shop.

Q. Do you know how many beds there are in one of these large rooms?

A. I do not; have not counted them.

Q. Do you know whether they are closely packed, or plenty of space for boys to move around in?

A. I should not think there was any too many; it is a very large room.

Q. Do you know the number in each room?

A. No; I do not.

Q. Have you read this bill in equity filed by Major Smith?

A. Yes, sir.

Q. You have seen it stated that you made a pledge to turn Major Smith out?

A. I did see it.

Q. Is it true?

A. False; entirely false. I do not know who I pledged myself to, as I did not know I was to be nominated, and did not know I was elected until after the election took place.

Remark by Mr. Franciscus. He was out of the city three months previous to the election, and three weeks after the election occurred.

Q. Mr. Littleton. Did you ever say that you voted for his removal upon party grounds?

A. No, sir.

Q. Did you ever say you would cut the d——d copper-head's head off?

A. No, sir; it is false—entirely false.

Q. Did President Allen ever call upon you to ask your vote for the position of President of Girard College?

A. I never saw him until he was appointed to it.

Q. You met him the other day—it was after you voted for him?

A. It was last Friday.

Q. Since you voted for him?

A. Yes, sir; since.

Q. He never asked you, directly or indirectly, to vote for him?

A. I never saw him before, and would not have known him if I had met him in the street.

Q. Have you seen the statement in the bill in equity?

A. I have, sir.

Q. So far as you are concerned, it is not true?

A. Entirely false.

Q. You were present when the vote was taken?

A. Yes, sir.

Q. Why was the resolution not passed allowing Major Smith to resign?

A. I do not know why. The majority of the Board thought, and I thought, when the resolution was offered, that it had better be passed; as for myself, I was satisfied, that it might go through at that time as well as not, and it was not worth while to wait over for thirty or sixty days, or probably six months.

Q. Did you not think it might have been more appropriate to allow him to resign?

A. It might have been so; it probably would have been better to ask for the resignation.

Q. Did Mr. Hoffman ask for some explanation why the resolution of removal was offered?

A. He may have done so; I do not recollect.

Q. And for reasons why Major Smith should be dismissed?

A. I think very likely he did; I cannot say. I think Mr. Hoffman talked a good deal that afternoon. He may have made such a request.

Q. You do not know what answer was made?

A. If the question was asked, I do not think there was any answer.

Q. If so, did the mover of the resolution, or any member, assign any excuse for the removal?

A. I do not think they did more than in the preamble; there was a preamble.

Q. There was a preamble?

A. There was a preamble.

Q. That had been read?

A. Yes, sir.

Q. Did he not say, if they would postpone the action for a month, that he would then move that a Committee be appointed, to be composed of gentlemen who desired the passage of the resolution, who would investigate any charges brought

against Major Smith, and give him a fair hearing; after having done so, should the Committee bring in a report showing him not competent, and that he would then vote for the resolution, and give his cordial support to whoever might be elected President?

A. I do not recollect anything of the kind. I recollect, I do not know whether it was Mr. Hoffman or Mr. Heaton. It was Mr. Heaton, I think, who asked the Board to defer action, and that they would see Mr. Smith, and ask him to send in his resignation. I do not recollect those remarks of Mr. Hoffman at all.

Q. Did Mr. Hoffman make a motion to postpone?

A. I think it is likely that he did; either he or Mr. Heaton. There was such a motion made. I do not recollect who it was now.

Q. What became of that motion?

A. It was voted down.

Q. Did he not move as a substitute for that resolution of dismissal, that Major Smith be requested to resign?

A. I think very likely he did. I think there was such a motion offered. I do not know as it was offered as a motion. I do not think there was any vote taken on it. It was a suggestion or proposition made.

Q. Did any of the majority, or the mover of that resolution, offer to accept the same? Accept the proposition requesting a resignation?

A. I do not think they did. I do not recollect that they did.

Q. When Mr. Heaton suggested that it would be better to take an informal vote, and said, if the majority should be favorable to the passage of the same, in order to know what the wish of the Board was, did not Mr. Roberts accept the proposition? or did Mr. Lex or Mr. Heaton offer, if a majority of the Board would sign a note that he would resign, addressed to Mr. Heaton or Mr. Lex, or addressed to either of them, that they would bring his resignation, if they would then leave the matter with them to do as they thought best?

A. There was such a proposition made. I do not think they pledged to bring the resignation; if they had given such a pledge, that they would have induced Major Smith to bring in his resignation, I do not think there would have been the slightest difficulty about that.

Q. Did they pledge themselves to bring the resignation ?

A. I do not think they did.

Q. They had no notice of this intended action on your part ?

A. I do not know whether they had or not. I suppose that they had as much as I had.

Q. What time had they to get his resignation ? They had no time to communicate with Major Smith ?

A. Not at all. Not until after the action of the Board, of course.

Q. That was after the resolution of dismissal ?

A. Of course.

Q. Did the majority say that they were willing to accept this proposition ?

A. I do not think they did ; they certainly could not have been willing to have done it, or they would have taken some action.

Q. Did not Mr. Heaton say, if such a course was taken, that he would vote for his dismissal if he failed to send in his resignation ?

A. He said, if he did not send in his resignation that he would vote to turn him out, and I think those were the words he used.

Q. Were you aware of this intended action of the Board before the meeting ?

A. Not at all.

Q. Had no notice of it ?

A. No, sir ; none whatever.

Q. Had you been in any caucus ?

A. None whatever ; did not know any resolution was under consideration until I reached the room. Did not know that such a resolution was to be presented ; never heard it read until it was read by the Secretary.

Q. Then this charge of a caucus is not true ?

A. Entirely false, sir.

Q. Did you not say, at the first meeting of the Board after you were elected, or shortly after your election, that you were in favor of his dismissal because he was not a loyal man ?

A. I never made such a remark.

Q. Mr. Littleton. To whom was that remark made, or one similar ?

A. To Mr. Hoffman.

Q. Did you say anything about that?

A. Mr. Hoffman and I walked down one afternoon from the College; I think it was the first meeting of the Board that I attended; I think it was at the organization of the Board, Mr. Heaton, Mr. Hoffman and I walked down together; we got to talking about general politics; that was the subject of the conversation as we passed down Vine street. I made a remark that I did not think that Mr. Smith had proved himself altogether sound with regard to his action in not raising the flag during the Rebellion, after being requested to by the pupils; did not evidence a very great regard for the question at issue at that time, and some other instances, but I never made any remark that I should vote for Major Smith's dismissal upon that ground; I don't think the question was brought up in that conversation with Mr. Hoffman.

Q. You were discussing the question?

A. Yes, generally.

Q. Were you discussing any question of removal?

A. Not at all. The question that was being talked about at that time, on the part of both Mr. Hoffman and Mr. Heaton, and after Mr. Heaton left us, was whether an officer in the army could not be considered entirely loyal, and that that was sufficient evidence that he was loyal—that is, his being in the army, which I beg leave to differ with him.

Mr. Littleton. We had some experience of that in the Rebellion.

A. Because I know some officers in the army that are anything but loyal.

Q. Did you make any such remark as, that no man except one who was loyal should be there?

A. I do not recollect—I may have—I think so; I do not know whether I made the remark; if I did not, I ought to have said so.

Q. Mr. Harper. I want to ask if you know whether any resolution of inquiry was ever offered as to the management of the College, or the exercise of discipline there?

A. Not since I have been a member.

Q. Was there not a report made?

A. Our attention has been called to it by Mr. Foust, the Chairman of the Committee on Discipline and Discharge.

Q. Was the last case before the election?

A. Probably it has been; it was either before or after; I am not confident which; I guess it has been since.

Q. Was there ever a report made, or resolution offered, by any Committee, as to the management and discipline of the College by the President?

A. Not since I have been a member; not previous to the removal.

Q. Well, in regard to the condition of the dormitories and the buildings under the old Matron?

A. There was, the afternoon that this resolution was passed, such a resolution offered; I think it was referred to the Household Committee to make an examination into it.

Q. What did you refer to?

A. Only that which refers to the Household Committee; I think the question was brought up either by—I don't know whether it was Mr. Coleman or Mr. Fry—one or the other; it was discussed there some time; I think it was at that meeting, at the passage of this resolution.

Q. Well, was the President ever in the presence of the Board, asked as to the discipline, or any fault found with him?

A. Not since I have been a member; No, sir.

Q. Did the Committee on Discipline, Messrs. Foust, Haines and Rhoads, ever report any exercise of discipline of which they complained?

A. I do not know anything about that Committee; I was not a member of the Board when it was in operation.

Q. Do they not have a Committee on Discipline all the time?

A. These are a different Committee; this was last year, previous to the new Board; now Mr. Haines is not a member of the Committee.

Q. I want to know whether the Committee on Discipline ever reported any exercise of discipline?

A. Never made an official report, I guess, except Mr. Fry and Mr. Foust mentioning some instances of that kind, and that has been done since the action of the Board; since the passage of the resolution.

Q. Mr. Truman, when did you receive a knowledge of the cases to which you have testified, of cruelty; these particular cases which you have mentioned?

A. As I said, since the removal of Major Smith; I never was in the lock-up previous to that time.

Q. Do you know who framed the recent rules under which the Board is now acting?

A. I do not; I do not know anything about them; they were made some years ago, I think.

Q. Your name is attached to this communication in the newspapers?

A. Yes, sir.

Q. With your consent?

A. Yes, sir.

Q. It is stated there that Mr. Smith has, either directly or through his friends, caused the motives and persons of the Directors to be assailed by almost daily attacks through the columns of the public press.

A. Yes, sir.

Q. Do you know that to be the case?

A. I do not know it of my own knowledge, but I think it is the case; I do not think there is any doubt of it at all.

Q. I merely wanted to know if you knew it; I see you attach your name to it as having said so.

A. I think one-sided remarks have been made in reference to the characters of the gentlemen of the Board, and made also in the presence of the editors of those papers, and who are friends of Major Smith; and I think that there is no question or doubt but that they have been instrumental in putting the former articles in; I do not say since the communication occurred; the former articles I do not doubt at all; I believe so.

Q. Don't you know of your own knowledge?

A. I believe so; of course I do not say they wrote the articles; I do not know who instigated them; I think I know where they got some points.

Q. I think you stated that you had become convinced that you did right since the action of the Board had taken place?

A. I am more convinced than I was before, in seeing and examining more thoroughly the condition of the buildings, and seeing these boys and talking with them in the lock-ups.

Q. In connection with these being in such bad condition,

is it not the business of some other person to look after this?

A. The Matron has the general supervision, and she is responsible to the President. It should be the duty of the President of that institution to examine thoroughly into the condition of all the dormitories, and all the apartments and out-buildings of the College. I do not know what he is there for if not for this purpose. I think that is the idea.

Q. I see, sir, here, in one of the rules of Section 5th, Art. 4:—"He shall supervise the warming and ventilating of the College building and dwellings, take care that a sufficient supply of water is provided for the establishment, and that the tanks, hydrants, pipes and pumps are kept in good repair." That is put under the head of the Steward. Now, sir, has any complaint been made that the Steward did not do that?

A. I do not think there ever has, except in looking at the pipes and hydrants of the lavatories. My attention was called to it one afternoon, and I think some of the members called his attention to it; they were leaking perpetually. I do not know whether his attention has been called to these things or not.

Q. Who has the appointment of the Steward?

A. I suppose the Board of Directors; I was not there when he was appointed; I suppose they make his appointment.

Q. You said when you examined the lock-up, the stench was so offensive, you were not able to go in the room.

A. This is so; we brought the boys out.

Q. How did you ascertain there was only one blanket in the room?

A. We kept the door open for an hour, and after that we went in—at least I did; I could not go in before that; and then I went and examined the bed, when the air was changed, but the room had been open—that is, the door had been open for a considerable time before I could possibly go inside; it (the air) was too bad.

Q. Mr. Truman, you stated the bed-clothing was in a bad condition. Do you consider the President should be made responsible for the bed-clothing?

A. Yes, sir; I do think that he should see that all these things are properly taken care of; and where there is a want of care he should report it.

Q. I have noticed in these rules of Sect. 2, Art. 2, in rela-

tion to the Matron:—"The Matron shall supervise and direct the whole domestic economy of the establishment; she shall watch over the manners, morals and habits of the pupils; she shall give personal attention to the food, clothing, lodging, cleanliness and health of all the members of her household; she shall see that all the apartments and offices connected with the dwellings, and used for the purposes of the household, are kept clean and in good order; she shall frequently visit and inspect the pupils in their section rooms and lavatories, and by frequent mingling with the pupils during the hours of study and recreation, she shall endeavor to inspire them with love for and confidence in her, so that all the troubles and hopes of childhood may be communicated to her as they arise, and may be the means of instilling valuable lessons, and of forming correct and virtuous habits; she shall attend to the preparation of the outfits and clothing of the pupils when they are about to leave the institution on trial, or to be indentured." Now, sir, who elects the Matron of the establishment?

The Board of Directors.

Q. Well, was the Matron whom you have there, a proper person to comply with these rules? or did she not comply with these rules?

A. I do not think she did; in some particulars she was all right.

Q. Do you think the President is responsible for her not doing it?

A. I do think, that if she does not, he should insist upon her doing it, or report her to the Board.

Q. By the Chairman. This Matron was removed? She was removed at the same time of the removal of Major Smith by the Board of Directors?

A. Yes, sir; at the same time. There has never been any trouble about that; she has had no friends I suppose.

Q. You say that the lavatories were in a bad condition?

A. Yes, sir; in a very bad condition.

Q. Who had direct supervision of the lavatories?

A. Well, the President should have direct supervision. I do not know whether there is anything in the rules in relation to that or not.

Q. See in Section 7, Art. 1. "The Prefects shall have the general charge of the orphans during the hours of recreation,

and at recess from school, and they shall have the special care of the sections assigned to them, at all other times when the pupils are not engaged with their instructors, or with persons authorized to take charge of them temporarily.

They are directly responsible to the President for the faithful discharge of their duties in the section rooms, dormitories, refectories, lavatories, and play-grounds." That is one of the rules. Do the Prefects not have charge of it?

A. I believe so; I do not know.

Q. Have the Prefects been appointed by Major Smith?

A. I do not know whether they are appointed by the Board or not, because none have been appointed since I have been there. I am rather inclined to think that they are appointed by Major Smith, by recommendation of some parties.

Q. I think you stated that you never saw Mr. Allen?

A. I never did until this action of the Board, and that was over in the court-room the other day.

Q. You said also that Mr. Allen never asked you to vote for him?

A. He never did.

Q. Did any one ask you to vote for him?

A. No, sir. I did it of my own motion entirely. I have known Mr. Allen by reputation during the time that he was President of the College before; and I felt satisfied that if he was the candidate, that he would receive my vote if he was willing to go in, and though I did not know him at all.

Q. Did you ever say, Mr. Truman, that Major Smith was not a loyal man?

A. No, sir. I do not think I ever did.

Q. Is there any of your relatives pupils in the College?

A. No, sir.

Q. Has there ever been?

A. No, sir. Not to my knowledge. A young lady several years ago, I do not know how long it was, was there for a few months, as a teacher under Mr. Allen. It is some twelve or fifteen years ago. I do not recollect how long she was there, only a few months. Miss Blackman was her name then. Mrs. Mitchell is her name now.

Q. By Mr. Cattell. How long were you a member of the Board previous to the action?

A. I was elected in July last.

Q. You have not been a member long?

A. No, sir; only a few months.

Q. Well, touching this question of publication spoken of. Did you ever hear Mr. Coleman say that he published, or put a portion of the proceedings of the Board in the papers?

A. He said he had published some proceedings in the Ledger, in regard to the action of the Board; what it was I do not know.

Q. Did you ever hear any other one make any remark of that kind in regard to publication?

A. No, sir.

Q. Did you ever hear Mr. Hoffman say, if Mr. Coleman did not do it he would?

A. I do not think I did.

Q. You spoke of the bad condition of the table linen and other household arrangements of the College. The question has been asked whether you ever made a report?

A. We reported it to the President of the Board, and he spoke to Major Smith.

Q. I would like to ask you: Did Major Smith ever say anything to you about the household?

A. No, sir. Nothing at all.

Q. Did he ever complain that he had not sufficient hands?

A. Not at all.

Q. Or to any members of the Board?

A. No, sir: In regard to the lavatory; the subject was referred to a special Committee of the Household Committee, and the subject was there discussed, and I believe propositions were received from several parties, to know what they could repair the lavatories for, but the expense was so great they thought; the members of the Committee thought, for them to undertake at this time, but they authorized the special Committee to repair them sufficient to last for the time being.

Q. In reference to the condition of the beds, and dormitories, and bedding?

A. During and under Mrs. Paul, I do not think there was any effort made to remedy it. Mrs. Mitchell is now working the thing up.

Q. It was never given as a reason that there was not sufficient funds?

A. No, sir.

Q. That assertion has been made?

A. That assertion has not been made to my knowledge.

Q. Rule 2d says: "The President is directly responsible for his official conduct to the Board of Directors. He shall make report in writing, to the Board, at every stated meeting, transmitting information of the condition of the College, and calling the attention of the Board to such matters as require their action or consideration." Now, did the President of the College ever call your attention, or that of the Board, to these matters?

A. Not since I have been there. He has always made his report. There has always been a report presented.

Q. But not calling attention to any of these affairs at all?

A. No, sir.

Q. The punishment you saw, was it after the passage of this resolution?

A. Yes, sir; after the passage of this resolution.

Q. Mr. Harper. Have you signed your name to this article in the paper with your whole appropriation; or was it from information you received, and not from facts?

A. From information I received, and probably some of the cases I had some knowledge of myself. Of course I could not sign my name knowing every fact, but many of the instances I could qualify to myself.

Q. You did it, then, from what you had seen, and from what you believe others to have seen?

A. Yes, sir.

Q. Mr. Franciscus. Mr. Truman, in voting for the dismissal of Major Smith, were your views made up from what you had heard before, or what occurred before you were a Director of the College?

A. Yes, sir.

Q. And you were not aware of your election as a Director of the College at all, until after Councils had elected you?

A. No, sir; I was not aware of it.

Q. Were you consulted?

A. I was not in the City; did not know anything of it at all; did not know that I was nominated.

Mr. Franciscus. I do not think you really did; I believe I am responsible for that. Do you consider the Steward of the College a competent man?

A. Well, I think he is sufficiently competent, if he had the proper support. The great trouble has been that he has re-

ceived no support at all there, either from Major Smith or from other parties, that should have been given to him in consideration of the place. It is not to be expected that he could take that position and fill it, or fall right into the ways of doing things. Of course there has been some errors, but errors of judgment. I do not think that he intended to do anything out of the way, at all. I believe he is perfectly competent, and if he had received the proper assistance and proper encouragement, and an effort made by some of the officers, why he would get along very nicely, very comfortably, and attend to the duties very well. I think that he has been hampered; I have not the slightest doubt of it. Parties seemed to have become prejudiced against him. I do not know for what reason. I think they bothered him very much. I believe the man's intentions are good.

Q. You speak, Mr. Truman, about the bad condition of the rooms—of there not being in good order, and of the beds and bedding—did that occur from any lack of funds?

A. I think not, sir.

Q. Was there not a portion of the money set apart for keeping the house in order transferred for the purpose of putting in heaters into the building?

A. That may have been done before I was a member of the Board. Very likely it was.

Q. You are not aware, then, whether there was an amount of money taken from making repairs, and appropriated to heating the building?

A. Not to my knowledge; if it has been done, it was done before I was a member of the Board.

Q. Mr. Marcus. You stated, in your examination, Mr. Truman, that you were requested to visit the lock-ups?

A. I was requested—that is, I went of my own accord, at least—as a member of the Committee on Discipline and Discharge.

Q. You were not requested by others to do so?

A. No, sir; the Chairman was requested to go and visit these lock-ups, and I being a member of that Committee went along.

Q. Who were the members present at that time?

A. Mr. Foust, Mr. Conrow, Mr. Haines, and, I think, Mr. Horn—probably Mr. Rhoads—I don't know whether

Mr. Horn was along or not; Mr. Rhoads was; I am sure four or five were there.

Q. Mr. Littleton. Were the lavatories reported by Major Smith since you were a member of the Board?

A. No, sir; I think not.

Q. You spoke of the lock-ups; of the air being in a very unpleasant condition. Did you go into any other lock up at that time but that one?

A. I went into a large room.

Q. Were the others as bad as this?

A. No, sir; they were much larger rooms.

Q. Did you perceive any unpleasant odor in any other room?

A. No, sir; not in any other room. The room upon the west side of the building was a large room; there were two small boys in it, the room is 40 or 50 feet long, with windows on the side. In this room (the one where the bad aid was) there was only one window, and that was chained—probably open a couple of inches, not sufficient to allow a circulation of air—no transom over the door to allow of any circulation.

Q. Now, in case of neglect of duty by the Steward, whose duty is it to report that neglect?

A. The President's; I understand it is his duty to superintend the different offices.

Q. Mr. Marcus. Is the report presented by the President at the regular meetings of the Board, placed on file?

A. Yes, sir, they are; the Secretary files them.

Mr. Franciscus. Have any of the Prefects been discharged for whipping children?

A. No, sir; not since I have been there.

Christian J. Hoffman, affirmed.

Q. By Chairman. You are a member of the Board of Directors of Girard College?

A. Yes, sir.

Q. You have been present here, and heard what the object of the Committee is in investigating the manner of the removal of Major Smith?

A. Yes, sir.

Q. You voted with the minority?

A. Yes, sir.

Q. You will be kind enough to go on and state what occurred to influence you in your action.

A. My reason is the manner in which it was brought about; and, secondly, from all I knew, I consider Major Smith eminently qualified. As to charges against him, as to other matters than his education, I never, since I have been a member of the Board, I never have heard one charge brought against him before the Board. I look to the Committee on Discipline and Discharge to bring in charges; there were none ever brought to my knowledge.

Secondly, so far as the Committee on Household, of which I am a member, is concerned, I have always found Major Smith ready to second anything we had to say; and that whilst he acted as Steward, during the time the injunction was being argued between the two Stewards, he certainly acted to my satisfaction, and, I think, to the satisfaction of the Committee. It is true I have not seen all these things that are charged about the College. I have been over there a good deal during my time, and as to the Major's treatment of the boys, I have been there on Sabbaths and other days, and I have never seen but the utmost kindness; and, if you desire, I can give you one or two instances occurring to me. I could not bring the charge of cruel treatment, believing there was no foundation for it.

He had a kind heart. One instance, I just merely state. One Sabbath afternoon, after the services—which he conducted himself—I do not recollect, distinctly, whether it was an original address or not—I think it was, I cannot say for certain—we started to walk down to the lower part, to look at the culverts. One little boy whom we met was crying as if his heart would break. I did not observe it, the Major did. He went to the little boy, and said to him, “What is the matter, my little fellow?” “M——n hurt me sir.”

He called M——n; two or three of the other little boys come running around. They said they would go and get M——n. After awhile he was found and brought. “Johnny says you struck him?” “No, sir; I only hit him in the face; I did not mean to do it.” “Did you not intend to hurt him?” “No, sir.” “Will you give Johnny your hand, and say that you did not want to hurt him?” Johnny had his hand in his pocket, and pulled it out very slowly, as he was crying. They shook hands, and the two little fellows

run off as happy as could be. I thought from that, and other instances, that the man's heart could not be hard.

Many a man would have passed by such a scene, and never looked at them. I have been there frequently on the Sabbaths; have heard different persons address the boys—one of your own former members, Van Cleve; I have heard him address the boys. I have never seen anything but attachment from the boys to Major Smith. Without having any direct knowledge, of course I should oppose his removal.

As to his educational deportment, I was always looking to the Committee on Instruction. That Committee never reported anything but what was most favorable to him; and when I have risen in my place to ask as to his abilities, no gentleman has said other than that he was well qualified.

But at a recent meeting of the Board, I asked the question again, as to the matters between the two gentlemen we had at last found out were the candidates, Mr. Allen and Major Smith, and one gentleman who was qualified to judge, thought he considered Major Smith superior to Mr. Allen; and no gentleman of the Board has said aught against him. These are only statements I speak, as to my own knowledge.

Mr. Littleton. Do you think so yourself?

A. I do, most unhesitatingly, from my own knowledge; and then, as to the whole department of the College, I supposed your Committees, Mr. Chairman, who are to visit us monthly, are to look around and see what we are doing. As Directors, we are responsible if we do not attend to our duties, and I look to your Committees. I was absent six months last year; I did look for your Committee of Councils to make their report; I presumed that was what the Committee was appointed for; I have never heard of but one report, and that was a very satisfactory report from the Chairman of the Select Committee; I think from Mr. Page.

Now, my great reason against his dismissal is, the manner in which it was brought about. I went up in the car with the gentleman who offered the resolution; he never mentioned a word of it to me; and when the resolution and preamble was read, and the resolution was offered, I hesitated some time; not a word was said; after the yeas and nays were called, I then rose in my place, and asked to know why this was, that I heard nothing of it before; I asked the gentlemen to tell me why this resolution was offered. I then

made a motion to postpone, and begged of them, by all manner of means, both politically and as a matter of justice, that it should be postponed one month; when I found the gentlemen were not altogether favorable to that, I then proposed to them, if they would postpone this resolution for one month, that I would move that a Committee should be appointed, and that it should consist of the gentlemen favorable to his dismissal, and if they brought in a report that he was not fitted, either as to education and treatment for boys, or anything of the kind, I stood ready for the dismissal, and stood ready to vote for any gentleman who was competent for the position, though I had nobody in my mind at the time. This, no gentleman offered to accept, and I, of course, proposed my motion for the postponement, and still insisted if any reason were given that was justifiable, I went for Major Smith's dismissal. I also remember that Mr. Heaton and Mr. Lex proposed that they would defer to take an informal vote upon the passage of the resolution, and if Major Smith would not give them the resignation, that I should vote for the removal. I had no feeling except for the good of the College. I endeavored to do my duty as far as I could, and these are some of the facts that have come to my knowledge. As to the matter of the charge of the bedding, I can say some little about that; that part comes very much under our department; that matter has been referred to our able Chairman, who has made all the purchases for the household.

Mr. Harper. Who is that?

A. Mr. Boswell. The Matron has, time and again, asked for relief, and we have always stated that we would give her all that we could, and as far as the amount appropriated to us would admit of. I was not present at the meeting, but some six or seven thousand dollars were given to us for painting. Mr. Simons and myself had that in charge; we were anxious for the painting, but we saw the heater was deficient before the spring was over; when the proposition was made, by a gentleman of the Board, that something should be done, and it was referred to the Special Committee. Afterwards, Mr. Simons and I went through the houses to examine the painting; Major Smith's house wanted painting badly; he said no, this heater is of far more importance; this will not suffer for another year; you had better take this money for the purpose of the heater and water closets for the

ladies, which he, all the time, was endeavoring to renew, and to appropriate some hundred dollars for the water closets for the convenience of the ladies. That, we did not do, for we did not know the amount which was to be taken for the heaters, which, I believe, was over the amount; about all the amount we had left.

Mr. Stokley. How long have you been a Director of the College?

A. Two years and better; my time expires in July.

Q. You seem to think members of Councils have neglected their duty?

A. I have not said that; I expected that if anything was wrong they would notify us.

Q. Did you, in a single instance, ever know that they were ever notified to visit any portion of the College, further than the Directors' room, to get something to eat?

A. I will explain that, by saying that when the gentlemen were spoken to about it, they say they have not time to go.

Mr. Stokley. I have been there very frequently, and very solicitous to visit, and generally found the Directors as anxious to sit in the Directors' room as the members of the College were.

A. I was ready and willing to go. I remember about the refreshments they had there. A gentleman told me, "If they would take their refreshments with the Matron, and go around through the houses, they would probably know much more about what was going on around."

Q. Where was that said?

A. That was said (and the gentleman was one I had spoken to you about) by Mr. Spering.

Q. You said a few moments ago, that when the question was raised in reference to the qualification, one of the gentlemen of the Board said he considered Mr. Smith was eminently better fitted for the position than Mr. Allen. Was that said in your hearing?

A. No, sir; not in my hearing.

Q. As you have spoken of his officiating at the College, and that Section 8th made it a part of his duty to spend a part of his time in the departments [Vide Sec. 8th.]

Do you think he has come up fully with that part of the duty?

A. I cannot say that he did.

Q. He was to be present every day at the dinner of the pupils, et cetera. Did you ever know him to see after these things?

A. I have been with him once or twice; twice I think.

Q. Rule XII. The President shall at least once a week examine and instruct the class of pupils known as the graduating class, in the various departments of learning, in which they are receiving instruction. Did you ever know him to perform that duty?

A. No, sir, I do not; not being on that Committee; as I said before, I was not on that Committee of Instruction.

Q. Do you know anything in reference to these boys that have been confined in these lock-ups; that have been spoken of?

A. Nothing but what I have heard from them—not a word. I asked if they had these charges and would show me that it was so, that I would vote for the dismissal.

Q. Did you ever examine them; i. e. the lock-ups?

A. I have examined them; there was no one there, and I could not say anything more than that it was all right.

Q. You saw the lock-ups yourself?

A. Yes, sir.

Q. How often do you suppose you have been in the dormitories, and examined through the building?

A. I do not suppose this year over a couple of times, if I have that.

Q. In what condition did you find them at these two visits?

A. I did not find them out of order.

Q. As far as the health of the children is concerned, don't you think that it would be better if the beds were not quite so close together, and a portion of the room used which is now used for lock-up purposes?

A. I do not know, indeed. All I do know, is, that the health is remarkably good for the number. I think, from all the reports of the Physicians, as much so as in any institution of the same number of boys.

Q. Do you know the number of cases in the infirmary?

A. I do not know the number—No, sir; it can be easily ascertained by sending for the records of the meetings of the Board.

Q. Had you any conversation in reference to the religious condition of the College?

A. I have, sir; about six months ago, I think it was.

Q. What was the subject of the conversation?

A. He wanted to change the system, he said. The President and the President of the Board, and several members of the Board were Episcopalian, and the tendency was too much Episcopal. I told him I did not think so, or something of the kind, and there the matter ended so far as any further conversation on the subject.

Q. Did you ever hear any charges made in the Board, or inquiries made of Major Smith in reference to the discipline of the College?

A. I have not.

Q. Or fault found with the management?

A. I have not, sir; as I stated before, that was one reason why I was opposed to the resolutions being passed at that time.

Mr. Stokley. Being as you was a member of the Household Committee, ought you not to have visited more than once or twice in a year over the house?

A. I have other portions of it much more frequently. No, sir, I have not; it is very probable I ought to. I think a great many duties may have been neglected that we ought to have attended to. I think that is very possible.

Mr. Tyson. Did any of the parents make any complaint to you?

A. Not one. None, whatever; I cannot understand why it has not been done; they (the women) used to come to me quite frequently, and get money during the war.

Q. Did any of these Committees make any report concerning or against the management of the institution?

A. I stated to the Chairman of the Committee on Household after we adjourned, after that resolution was passed, I felt sorry over it, not so much at the dismissal, as the manner of it. I did not distinctly believe any charge was brought. I would have voted for the dismissal if these charges were brought up and proven. I would have assented to them—given them a hearing.

Q. You never saw anything to warrant a change?

A. No, sir.

Q. You thought him perfectly well qualified?

A. I did, sir. The errors were errors of judgment, if any.

Q. Did you ever see these lock-ups when there was children in them?

A. Once I was up when the Board went to visit them; I have never been in them until since this matter was brought before the Board.

Mr. Littleton. Were you ever a Director in former years?

A. No, sir.

Q. Were you not in under President Allen?

A. No, sir.

Q. You have been a Director two years and a-half?

A. Yes, sir.

Q. Did Major Smith ever complain to the Committee about the bed clothing?

A. The Matron has; and Major Smith has brought it to our notice.

Q. Was there any action taken?

A. We have referred one matter to the Committee, and after examining, they said it would take too much money to fit up as the Major desired it.

Q. What room was that?

A. The wash-room particularly.

Q. How many Sundays have you been in the College?

A. I suppose I have been there about ten. I think somewhere thereabout, I cannot remember.

Q. Did you ever hear Major Smith deliver any moral discourse to the boys?

A. I have. I do not know whether it was original or not.

Q. How often?

A. Twice.

Q. Did you ever hear him deliver any patriotic addresses to the boys during the war?

A. No, sir.

Q. Do you know whether he instructs any class?

A. That I cannot say.

Q. Do you know anything from inquiry?

A. No, sir.

Q. Do not the rules require him to do so?

A. Partially so.

Q. Then you do not know whether that rule is fully complied with or not?

A. I cannot say.

Q. Something was said about raising the flag, or failure to raise the flag. How about that?

A. I have made inquiries, and from older members I was satisfied that it was not his fault, and certainly it was not on account of any want of loyalty that he did not do it.

Q. Do you know why the flag was not raised at the time of the dedication of the Gettysburg Cemetery?

A. No, sir; I do not.

Q. Have you ever visited No. 2?

A. Yes, sir.

Q. Have you been in the lock-ups?

A. I have not been through only one or two rooms, when I was looking to the painting.

Q. Have you noticed the condition of the bedding?

A. I have noticed it at times.

Q. Was it not in good condition?

A. No, sir, it was not; and that was brought to the notice of our Committee.

Q. Have you ever looked at the privies and out-houses?

A. Not lately; not from the time we ordered it to be cleaned.

Q. Have you been through the lavatories?

A. Yes, sir.

Q. You do not know as to the condition of the privies at the present time?

A. No, sir; I do not.

Q. Does Mr. Boswell purchase all the articles for the institution?

A. No, sir.

Q. Does he purchase the subsistence?

A. No, sir.

Q. What articles does he purchase?

A. He purchases the clothing.

Q. Is that not under the direction of the Board?

A. Yes, sir.

Q. He has no right to purchase anything but you order him?

A. He purchases clothing, bedding, dry goods.

Q. He is under the direction of the Board?

A. Yes, sir; we give him full power to furnish; when he felt it was for the benefit of the institution he purchased before he had the order.

Q. Has he attended to that duty properly?

A. Yes, sir; as far as I know.

Q. Do you know whether any of your colleagues, or have you furnished any information for the articles in the newspapers of the day?

A. I do not know. I might have probably been the cause of one article; it was nothing more than as far as the dismissal. There was one of the editors that evening in the League room, who I presume may have taken it from what I said.

Q. Have you ever charged the removal as done by a caucus?

A. I have considered it so, from the fact that when the matter was charged in the room, the mover of the resolution said that they had consultations. I thought that sounded very much like as if some gentlemen had had a caucus.

Q. Then from your own knowledge you do not know whether they had a caucus?

A. Simply the inference from the facts, saying that they had a consultation.

Q. Were you consulted as to the removal?

A. Never heard a word of it until the resolution was offered.

Q. Did Mr. Allen ask you to vote for him?

A. No, sir. I never saw Mr. Allen until after the election.

Q. Did he seek to induce you to remove Major Smith?

A. No, sir. I never saw Mr. Allen since he left the College until after his re-election.

Q. Did he solicit your vote?

A. Not at all.

Q. Who was the gentleman who said that Mr. Smith was better qualified for the position than Mr. Allen?

A. That his education was equal, if not better than Mr. Allen's.

Q. As to education, you say he is better qualified?

A. Mr. Hoffman says merely, that he was better qualified by education, and only by education.

Q. Is it your opinion that Mr. Smith is better qualified than Mr. Allen? I mean generally.

A. As far as my own knowledge I do not say that he is better. I cannot see why he is not as good. When I was a

member of Councils, while Mr. Allen was there, I saw nothing further than I presume there was some flogging going on.

Q. What I wanted to get at: You expressed an opinion, and I was under the opinion that you were a Director when Mr. Allen was there. I wanted to know what your opinion was as to the comparative merits of the two.

A. This is from my own knowledge, as I stated before.

Q. Then you do not state that he is better qualified?

A. No, sir, I do not; think that he is fully equal.

Q. I understood that you said that he was better qualified?

A. No, sir; I asked that question as to education. I said, I am not qualified to examine Major Smith or the Professors; therefore I do not think I can speak of my own knowledge.

Q. Some one stated that Mr. Smith was indolent. What is your opinion as to his indolency?

A. I certainly, from my own knowledge, should not think that he was indolent.

Q. Has Major Smith ever urged an improvement of the heating of the main building?

A. Yes, sir.

Q. How long ago?

A. That was last winter.

Q. Did he do the same thing as to the improvement of the lavatories?

A. Yes, sir.

Q. How long ago?

A. I could not, without referring, state. I cannot now say how long. Was it as long as eighteen months ago?

Q. Was it as long as eighteen months ago?

A. No; I do not suppose it was as long as that.

Q. Did he have the privies lighted?

A. I do not know. I recollect very distinctly urging the necessity of a better condition in that way; in particular for the ladies; that the water-closets should suit them: that they should not be annoyed as they were.

Q. Mr. Martin. Did you say you had visited the lock-ups?

A. I think I visited them very particularly when I was going over the building to look after the painting, as it was referred to Mr. Simons and myself.

Q. Did you ever see any boys there?

A. There were none there.

Q. Did you ever see Mr. Smith there?

A. No, sir.

Q. Did you ever know him to take any member of Council there ?

A. I do not know as to that.

Q. Did any of the parents ever wait upon you ?

A. Not one.

Q. Supposing any of them had ; would you have spoken to Major Smith if their statements were correct ?

A. I would certainly have spoken to Major Smith through the Board, or through the Committee first ; and I should then, if these were facts, have spoken to Major Smith ; and I should unhesitatingly have voted for his dismissal, unless proved to the contrary.

Q. Would these facts have altered your opinion ?

A. No, sir ; because I would have passed no resolution to dismiss any gentleman without a hearing, whether he was alive or dead, I assure you.

Q. Would it have altered your opinion upon the merits of the case ?

A. Most certainly ; as I stated before, that I spoke to the Chairman upon Discipline and Discharge, that if he had brought charges, and let them be seen properly, I should have voted for the dismissal.

Q. Did you know of the caucus of the Board of Directors, in reference to the President of the Board ?

A. Yes, sir ; yes, the Board of Directors had a caucus for that purpose, and if this same thing had been brought before the caucus, and all the members asked to let us talk the matter over, and these things, as they are stated, were proven to be true, it would have been a very different thing to my mind.

Mr. Harper. I wish to ask you, whether you ever knew of any resolution of inquiry being offered as to the management of the College, or the discipline of it.

A. None, to my knowledge.

Q. Was there ever any report made from any member of any Committee, or Director, as to the management or the discipline of the College ?

A. No, sir ; not previous to this action at all.

Q. Was the President of the College ever in the presence of the Board, asked as to the discipline, or any fault found with him ?

A. No, sir; the only fault found with him was in regard to the resolution offered by Mr. Haines, in detailing a boy at the gate; the resolution was so worded that there could be two meanings taken; Mr. Haines intended that he should detail a boy there all the time; it was to detail a boy, and the Major considered it to detail him when wanted, and the gentleman himself acknowledged that that construction could be put upon the resolution, and afterwards altered it so that a boy could be detailed there at all times.

Q. That resolution passed the Board, did it?

A. Yes, sir.

Q. Do you know anything of these cruel cases that have been spoken of here, in relation to the treatment of boys?

A. No, sir, I do not.

Q. Do you know of any boys being whipped unmercifully.

A. Never, sir.

Q. Did you ever know of their being placed in the lock-ups, and their feet frosted?

A. No, sir, not at all; not until the report, since the rejection of Major Smith, or, after the passage of the resolution.

Mr. Harper. You have stated that you consider Major Smith eminently qualified?

A. Yes, sir.

Q. You mean qualified in every respect?

A. Yes, sir.

Q. You think that he is industrious?

A. I have always thought so.

Q. Kind to the boys?

A. I have thought so.

Q. And thoroughly capable?

A. Yes, sir; that is my view.

Q. I think you stated that Mr. Boswell made all the purchases of clothing and dry goods for the establishment?

A. Yes, sir.

Q. Did you ever know whether he made these purchases in a wholesale house?

A. Most generally he did; I think invariably.

Q. The Committee that he is attached to had that matter under charge; would it not be their place to see whether sufficient quantities of bed clothing should be provided?

A. I should think so ; we did so as far as the money at our disposal would purchase.

Q. Was it all the money you had allotted to you would purchase ?

A. Yes, sir ; at least as far as we could tell at the time, judging from other bills.

Q. It has been said here that the lock-ups were in such a condition that they were calculated to injure the health of the pupils ; do you know whether the health of the pupils has ever suffered from anything of the kind ?

A. I do not.

Q. Do you know whether the statistics compare favorably with other places of the kind ?

A. I think so.

Q. Did you ever visit places where the boys are healthier than they are here ?

A. It is my opinion, and the opinion I got from Doctor Remak.

Q. There has been some talk of the loyalty of Major Smith ; have you had any doubt of his loyalty ?

A. No, sir, not at all.

Q. Did he ever show any disposition to do anything in opposition to the Government ?

A. I do not know.

Q. In relation to the flag raising, will you explain how that occurred ?

A. I was not in the Board at that time ; it was previous to my election that the charge of not raising the flag occurred.

Q. You do not know anything of it ?

A. No, sir ; nothing more than was explained to me.

Q. The large flag was not up ; the small flag was on the top of the main building ?

A. That I do not know of my own personal knowledge.

Q. You say of some of these gentlemen mentioned, that there was a consultation had in relation to the removal of Major Smith. Will you tell me who made that remark ?

A. Only the mover of the resolution.

Q. That was Mr. Haines ?

A. Yes, sir.

Q. Do you know anything of the qualifications of Mr. Allen ?

A. Nothing more than I was satisfied at the time he was there, so far as my knowledge, that he was very well qualified.

Q. Well, you had no personal knowledge?

A. No, sir; merely as through my intercourse as a Member of Councils.

Q. Did Mr. Lex state at that meeting that he had had a conversation with Mr. Allen?

A. Yes, sir; when he made the proposition or desire of postponing the question, he said then, that was the first that he had any idea who was likely to be the successor; Mr. Lex said then, that President Allen would not accept the Presidency if it were by turning out Major Smith; that he had had a conversation with him. A gentleman arose and asked how long ago that conversation was? Mr. Lex responded, whether it was two or three, or four months, I do not know. A gentleman replied, oh, we have seen him since, and he will accept—when Mr. Heaton arose and said, that he was satisfied that if a vacancy occurred, that he would accept it; that he saw him that day, and had a long conversation with him; he was satisfied President Allen would accept it.

Q. Has the Steward received proper assistance from the President?

A. As far as I know, I think so, sir.

Q. Is he a good Steward?

A. I do not consider him so.

Q. You do not consider him efficient?

A. No, sir, I do not, although I have done everything to aid him; I think the Committee have done the same; I presume the Steward will assert that I have, and that the Committee have endeavored to aid him. We have chided him when he has done wrong. We have told him his errors; I have told him always.

Q. Has the President told him of his errors, and tried to assist him?

A. I have no reason to doubt that he did try to assist him. I have no knowledge of it.

Q. Did he not make a report, stating that he could get no report from the Steward?

A. Yes, sir; I recollect the Steward's books were not as the Committee desired.

Q. Mr. Cattell. When that statement was made before the

Board, Mr. Lex stating that Mr. Allen would not accept, and the gentleman said that he had seen him since, and he had changed his mind, did not the gentleman say that he had seen him, or we have seen him?

A. I am not positive whether he did or not, but that was my own impression it was that; I will not say positive whether it was I or we.

Q. You do not say whether it was I or we?

A. I will not say now.

Q. Do you know anything about the protest that was made by President Smith, and some of the other teachers of the College, against the rules and regulations of the Board?

A. The matter of the protest, or rather I would not call it altogether a protest—it was a notice of which you have the report of the Committee—which was accepted by the Board.

Q. I only want to know the action. The report was accepted?

A. Yes, sir.

Q. You are a member of the Household Committee?

A. Yes, sir.

Q. You know what this second rule here is, that the President is required to make a report in writing to the Board, at every stated meeting, transmitting information “of the condition of the College, and calling the attention of the Board to such matters or things as require their action or consideration.” Did the President call the attention of the Board, at any time, to the condition of the bedding, table linen, and other affairs?

A. I do not remember whether he has; he has called the attention of the Board to many things that we have had before us from both him and the Matron, in the Committee. I do not remember now as to the other affairs—that can be seen by referring to these reports.

Q. It has been asserted that that arose from the fact of not having a sufficient appropriation made; I only wanted to know whether that was the opinion of your Committee?

A. The fact was, we were so run down with everything by the former direction, when they had some six hundred boys, and we had to come for additional appropriations, you remember that we were doing all we could from time to time to

get everything we could for the household department ; by the bills you will see what purchases were made last spring.

Q. Were you ever in the eating rooms while they were eating ?

A. Yes, sir.

Q. What was the condition of the dining rooms ?

A. I could see nothing objectionable.

Q. Did they appear to be clean ?

A. Yes, sir.

Q. Any bones lying about ?

A. Not at that time ?

Q. What appeared to be the condition of the building, apart from the main building, generally ; what is the general condition ?

A. I speak from what I remember when I went over them thoroughly ; when looking at the painting last spring, I examined as to the amount it would take ; I took two men with me at another time, but did not go through all the rooms with the painter, and I saw nothing different ; I was in the different rooms ; they were all right at that time, and the only thing was in one of the large lock-ups ; the Major said that can be dispensed with, as he endeavored to do with all the painting, if we could have it for the heater.

Q. How often have you visited them ?

A. I have been completely through them only a couple of times ; I have gone through the different departments oftener.

Q. How often did you visit the College each week, or during a year ?

A. Well, I am with my Committee, and at other times I have been out there ; I cannot say exactly, as I was away six months, and sometimes have been absent from the city elsewhere.

Q. The last part of the eighth rule : The last part seems to require that " the President shall give personal attention " to manners, recreation and reading of the scholars, and he " shall, as often as convenient, (and he may deem necessary,) " accompany such pupils as may deserve it, to the manufactories, institutions, and remarkable places in the city and " neighborhood of Philadelphia." Do you know what has been the custom of the President in that respect ?

A. So far as the diet is concerned, that he has looked to ; from all the conversations I have had with him, he has, I think

he has, in that department; as to how often, and where he took the boys, to my own knowledge, I do not know of any places; I do know that some charge was brought against him; I think it was for permitting the boys to leave the College during the Christmas holidays; he did it out of the kindness of his heart; I think some of the Committee also consented to it at the time; no direct charge was brought in the Board, anything more than that it was wrong, for many of the boys were doing things which they ought not to have done; I merely speak of that to explain it; as to going to remarkable places, of that I have no knowledge.

Q. Do you know anything about the flag-raising, at the time of the Gettysburg Cemetery celebration?

A. I know nothing of that personally.

Mr. Franciscus. The Chairman of the Household Committee, was he not frequently in communication with the Matron?

A. Yes, sir; very frequently.

Q. Would he not be likely to hear of these rooms being out of order?

A. I should think so.

Q. Was it not his duty to report to the Board?

A. Yes, sir.

Q. Have you any knowledge of his reporting?

A. No, sir; so far as our Committee goes, when these things were brought before us, we endeavored to rectify it as far as we have been able at that time.

Q. These complaints that have been made about disorder and poor bed-clothing and beds, have they been brought before the Committee?

A. One by the Matron.

Q. How long ago has that been?

A. I think it has been some six or seven months.

Q. What action was taken?

A. We endeavored to rectify it as far as we could; we did not do as much as we would have done had we had plenty of money.

Q. Your principal reason then, for not doing it, was your not having money?

A. We purchased only what was absolutely necessary; we did not consider the Matron that was there really competent or capable to grasp the whole matter of the College; there was the one great trouble; in one department she was capable,

and the present Matron says, that she found one department in capital order; I did not vote for her dismissal; she had been told over and over again, that she would most likely be dismissed, because of her trouble with the Steward, and knowing her, I permitted her case to pass by; I should have objected to her dismissal without charges; if she had not been before our Committee on charges and we found her derelict; in order to give her an opportunity to clear herself, she was brought before us, and she spoke of the difference between herself and the Steward.

Q. I understood you to say—I wish to be right in this matter—that if an opportunity had been given to Major Smith to answer these charges, if they had been proven, you would have voted for his dismissal?

A. Certainly.

Q. Your only reasons for not voting were that he had not had an opportunity to do so?

A. Yes, sir; before the charges were proven, I believe him innocent; my whole action was for the good of the institution, believing I was doing so.

Q. Was not the predecessor of the last Matron a capital hand?

A. She was to my own knowledge.

Mr. Chairman. Mr. Hoffman, you stated in the Board when the discussion came up upon the preamble dismissing Major Smith, that Mr. Lex remarked that President Allen would not take it?

A. Yes, sir; Mr. Lex had seen him three months ago, or some time previous.

Q. What is your inference in regard to Mr. Lex [or don't you know,] making a remark of that kind?

A. Mr. Chairman, I should readily say, that Mr. Allen and Mr. Lex are intimate friends, and if they were to talk over anything, I should think it would have been a proper thing to talk about; he might be speaking about the College, and ask Mr. Allen what he was doing.

Chairman. The reason why I asked the question is, that it is a matter of public record now, as it came out in a speech of Mr. Coleman's, on last Thursday week; that he (three months prior to the removal of Major Smith,) had been met in the streets (this was asserted in Councils,) by a gentleman, who told him there was going to be a change in Girard Col-

lege. Mr. Coleman makes this statement and says: This happened three months ago; a gentleman meets him and speaks of this matter, says we have counted noses and have votes enough to do it. I thought from this, I would ask you whether that came to your knowledge, that this same thing had been talked of before.

A. So far as my knowledge goes, of any direct action being taken upon it, I heard one member of Councils talking it over after the election last July; that in all probability it would be the turning out of Major Smith. There was some agitation in the Board as to the difference between the two. I did hear that such would be the case. I presumed after the organization that there was nothing further to be done about it.

Mr. Smith, Chairman. Hearing Mr. Coleman make this statement, that they were canvassing of this matter three months prior, that Mr. Moore, or Mr. Lex met him, and I believe that it was well known.

A. I do not think that they were well known, that he had spoken about it, or thought of it.

Q. When the resolution was passed of the dismissal of Major Smith, was the resolution dismissing the Matron prior to that, or after that.

A. After that.

Q. When Mrs. Peel was dismissed, and after the vacancy had occurred, they elected another lady?

A. Yes, sir.

Q. Mrs. Mitchell?

A. Yes, sir.

Q. Who voted for her besides that gentleman. The ten who voted for Mr. Smith's removal?

A. I think every one except Mr. Moore. I voted for her, Mr. Lex and Mr. Heaton.

Q. Now was the case, that of Mrs. Peel, her complaint ever brought before the Board of Directors?

A. Yes, sir. We have frequently spoken of her.

Q. Was there any direct charges?

A. No, sir.

Q. When was that publicly stated in the Board?

A. I have stated myself, that if the differences were not settled between the two, there was great fault somewhere, a great fault in the Matron, I should be favorable for her dismissal.

Q. You did not vote for her dismissal?

A. No, sir.

Q. You think the vote of the ten was right and proper?

A. What?

Q. I say; You think the ten who voted for the dismissal of Mrs. Peel; it was right and proper?

A. Yes, sir. She had been before our Committee, she had had a hearing.

Q. You spoke also of the Chairman not reporting anything in the Household Committee. Would the Chairman be authorized to report, unless the Committee directed him to make this report to the Board of Directors?

A. I understood it in the light that he would bring it before the Board, as an individual, and not as the Committee, as he had frequent meetings with the Matron. Of course, after the hour the Committee adjourned, he would frequently go and see the Matron and have a talk over what she needed, or before he would report to us.

Wm. F. Smith, Chairman. I take it, these matters are in the hands of Sub-committees, and when the matter comes up before the Board they are referred to the Sub-committee on Household, Discipline, and so on.

A. Yes, sir.

Q. Do other Committees report in that way?

A. Unless it is something very special, we do not report the whole proceedings of the Committee. They are always read in the Board. The whole proceedings are read in the Board at their meeting.

Q. When Mrs. Peel was dismissed, and Mrs. Mitchell was elected, was there any statement made in regard to the incompetency of Mrs. Peel, and the competency of Mrs. Mitchell, at the time of her dismissal?

A. No, sir; as it came to the knowledge of every member of the Board. I do not think there was a member who thought otherwise.

Mr. Stokley. As there was a question raised about the discipline in the College, were you shown a resolution written by Mr. Boswell some year or eighteen months ago, to be offered in the Board, in reference to taking the instruction out of the hands of the President of the College, and placing it in the hands of the Committee?

A. No, sir. He said he had a notion of offering something of that kind.

Q. He did not show you the resolution?

A. No, sir.

Q. You did not say you would vote for it?

A. No, sir.

Q. Would you have voted on these grounds if you had believed these charges true, for Mr. Smith's dismissal?

A. I should have postponed it for a month. I should have begged of them to postpone it. When a gentleman asked them to postpone it they voted it down.

Q. You stated that when Mrs. Mitchell was elected all the members voted for her?

A. Yes, sir.

Q. Did Mr. Lex say, when he cast his vote at that time, that he had been fighting this thing off long enough, and as the balance had voted to recognize her, he might as well come in?

A. I remarked that I should vote for Mrs. Mitchell, and he replied that he would too.

Mr. Littleton. You were asked whether it was not the duty to see that supplies were purchased. How were the Committee informed that the articles were needed?

A. Through the Matron.

Q. If the Matron and Steward send their requisitions, does not the President send the requisition to the Committee?

A. He may do this; I cannot recollect exactly.

Q. Does the President ever communicate with the Committee?

A. Sometimes.

Q. Now, I want to ask you one question. Do you know how Mr. Allen was removed from the College?

A. From my own understanding he was not removed; I heard he resigned. He was forced into resignation on account of his salary being reduced.

Q. Do you know that his salary was reduced to make him resign?

A. Not of my own knowledge.

Q. There are two questions as to competency. What is Mr. Allen's reputation as to competency?

A. Generally, I have heard him spoken very well of.

Q. You know nothing to the contrary?

A. No, sir.

Q. Have you referred to a conversation in which Mr. Heaton had spoken in this Board. Did Mr. Heaton say that Mr. Allen had asked him to vote for him?

A. No, sir. He did not, only, that he called to see him as a friend, and in a conversation, he said he might be disposed to.

Q. How was it you did not vote to remove Mrs. Paul?

A. Because I would prefer the same course would have been taken. After it was once passed, I voted for Mrs. Mitchell.

Q. Did you make any opposition to any change?

A. No, sir; not as to the change as to Matron.

Q. Did you vote against the Matron?

A. No, sir; I did not vote against her.

Q. Did you vote against her removal?

A. No, sir; I did not vote at all. I would have preferred to have had it postponed; thought she might have been notified.

Q. Do you know of any recent supplies being made?

A. How recent?

Q. Of bed and bedding, or anything of that kind?

A. I cannot recollect just now. I am not confident whether it was Mr. Heaton that set alongside of me, or Mr. Lex. I did think it was Mr. Lex, but I am not certain now; whoever it was I was sitting beside, I remarked that I would vote for Mrs. Mitchell, and he replied, I will too; any further remark I did not hear.

Mr. Franciscus. You stated in your evidence, that Mr. Boswell mentioned to you about being opposed to the services being conducted according to the Episcopal service. Did you know his objections? Was it anything more than the tendency to Episcopacy sectarianism?

A. Nothing more.

Q. Is that objected to by the Will?

A. Yes, sir.

Mr. Harper. I want to ask you whether you saw this communication in the columns of the public press?

A. Yes, sir; I read it over.

Q. In one of the sentences it says, "In arriving at a conclusion as to the competency of an officer, the daily life of an institution, as witnessed by the Directors, is the safest guide.

Hundreds of little details, each perhaps of not much importance, except in connection with the others, go to form their correct judgment. They have found an utter absence of vigor in the conduct of Girard College, an evident want of a live man. They have seen the institution drifting along without purpose, chart, or compass, save what had been previously been provided by others; moral mould and rust upon everything; dirt in the houses, vermin in the beds, the appointments of the tables torn, dilapidated, and offensive. And added to these, there was an entire want of all brain given to the economic condition of the institution, and of all heart in the treatment of mothers and orphans, while there have been constant appeals to the Directors to enforce the President's discipline; hundreds of boys running away, and all grades of crimes committed, from absconding and petty larceny, up to fornication and arson." Do you know anything, of your own knowledge, whether these statements are true?

A. I know the case of arson was brought before the Board, and it was through the President, in conjunction with the Mayor, that the boys were sent to the House of Refuge; he had not time to collect a Committee together.

Q. Do you know whether the treatment was tyrannical?

A. When I have visited, I have not observed it.

Q. Did you see any filthy condition of the rooms, the bed and bedding, and vermin?

A. No, sir.

Q. Did you ever hear any complaint made of any such thing?

A. I did not, until after this affair.

Q. How often have you been in the dining-rooms since you were a Director?

A. I have been there very frequently

Q. In this case of fornication, was Major Smith to blame? Did you consider it his fault?

A. No, sir.

George Truman, recalled.

Q. Chairman. What was your impression the first time you entered the College, upon entering the dining-room of that institution?

A. On the first visit to the College, after being elected to the Board, I visited the dining-room, and after going down

the steps, laying in the hall was a large bone, and meat, and several pieces of bread lying between the steps and the dining room door, and also some pieces of bread and meat lying on the dining-room floor. The floor was very greasy, that is of the hall, and it did not present a very creditable appearance to my mind. I was surprised to see it, because I had the impression that it was a remarkable place for neatness around that College building, or around the dining-room; that was my impression when I had been up to visit these rooms. I was particularly struck with the condition there at that time.

Mr. Harper. Well, was that after dinner?

A. This was in the afternoon, about five o'clock.

Q. Did you inquire how these things got there?

A. I spoke to them afterwards; I think I did not see the Matron at that time. I spoke to her, and told her I was very much surprised to see these things lying around there.

Q. What was the reply she made?

A. She made some excuse, that she had so much to do that she left it to some other parties, and they did not attend to it; and the chief excuse she made was, that she had been sick, or had not been down stairs to see to them, and they got in that condition; or the girls would not have paid the same attention that they would have done had she been there.

Robert T. Gill, sworn.

Chairman. You are one of the Directors of Girard College?

A. I am, sir.

Q. You voted for the dismissal of Major Smith?

A. I did, sir.

Q. You will be kind enough to state to the Committee what prompted you to do so?

A. Well, it was partly on account of harsh treatment to mothers, and the boys of the institution, and various other things.

Q. Just state what led you to do it, and your views upon that point?

A. Two years ago, a mother of a boy called upon me for the purpose of having her child attend a funeral of a brother, I sent a communication, in writing, to the President of the institution, and the President told the parties, who had the

communication, that the boy could not have leave of absence; I went to see the President, afterwards, myself, and he told me that it was contrary to the rules; the boy could not be allowed to go home. I met a relative of the lad a few days afterwards, in the street, and he says to me, you need not trouble yourself any more, in reference to this boy, Mr. Vaux, the President of the Board, has obtained permission from the President, and allowed the boy to go home; the boy, of course, had permission, but not through me. At another time I sent a communication to the President in reference to a lad whose mother desired him to go out during a vacation, that she had arranged for herself in the place where she worked. The time was changed; the lady had to lose her vacation, and the President would not allow this lad to come out until the specified time that he had arranged for him. I am not certain, but I think the lady came to me and said that the President had said, in these precise words: "Who does Mr. Gill think that I am? Is he President of the institution, or myself?" I think the lady told me this thing. In reference to this boy B—d. I was a member of the Committee on Discipline and Discharge. I, together with several other members of the Committee, visited this lad in the prison over the infirmary. I think it was during the month of January—a very cold day. We found the boy without shoes on, without a coat; in his shirt sleeves. There was a rough kind of a bed on the floor with an army blanket upon the outside of it. On the right-hand side of the room, as we came in the door, was a dilapidated old chair with some kind of vessel, and water in it; and a piece of dry bread.

Q. This is the boy who is reported as having had his feet frosted?

A. I am not aware of that fact, not having seen the boy, at the time, myself. In relation to seeing the boy incarcerated, I was there at the time Mr. Foust, who is the Chairman on the Committee of Discipline and Discharge, brought this mother before the Board. In reference to the flag raising, I was about to offer a resolution at the time Mr. Lex was Chairman of the Committee, or at least, Chairman of the Board, but he assured me that the flag should be placed upon the institution. I came up to the College a few days afterwards and found the flag raised. The excuse was, that

the halliards were broken. I do not remember of seeing the flag raised more than once. Major Smith commenced his duties, as President, on the 1st of July, 1863; after that, there was a great excitement in the State, in consequence of the rebels who were about to invade Pennsylvania. A large number of boys were anxious to volunteer in the army for the temporary emergency. The matter was referred to the President, with power; nothing was done in that case, and six of the boys enlisted subsequently in the camp north of the College, when they were permitted to go out during vacation. An application was made to the Court to discharge the boys, and they were discharged when the demand was made. When the President reported this matter in the Board, Dr. Sites moved that they be expelled. The Board referred it, however, to the President with power to act, and he expelled them.

I sent three notes to the President in reference to allowing boys to go out at different times, neither of which were honored by him at all. I felt a little reluctance at asking him to do anything at all.

Q. Was this privilege granted to other Directors?

A. I think so.

Q. You stated in one case, in which Mr. Vaux got somebody out; was that done in any other case?

A. I do not know; I would also say that mothers were refused admission by an order left by the President of the institution at the lodge. Sometimes mothers would come there and they were unable to see the President; these are my reasons for voting in the manner in which I did.

Mr. Stokley. Do you know anything of the punishment which is said to have been practiced upon the boys—whipping and so on?

A. Nothing but what I have heard, sir; there has nothing at any time come directly under my notice.

Q. Have any of the mothers called upon you to enter complaint about the boys or the punishment they had received?

A. Yes, sir, several; I know there was one lady who was very anxious to have her son discharged from the institution, on account of the severe treatment he had received; I do not remember the name.

Q. You say you are on the Committee on Discipline and Discharge. What has been the statements of these boys,

when reported by Major Smith to the Committee? What reason did they give for running away from the College when they were reported?

A. Some of them would give reasons and some of them would not, sir. Some gave the reason, because they had been whipped; because they had been placed in the lock-ups, or that they had been treated badly, and that they were afraid to go back.

Q. Did one of the boys, on one occasion, before the Committee, state that he had run away, and would run away again; that anything was preferable to that institution, to him, and if he went out he had no place to go?

A. I do not remember of having heard him say those very words; I have an indistinct recollection of having heard a boy say something similar to it.

Q. These boys that were discharged, how long were they in the lock-up before they were discharged—these six boys?

A. I was not a member of the Board at that time.

Mr. Littleton. How long have you been a member of the Board?

A. I have been a member three years and about four months.

Q. Has the President, Major Smith, ever complained to you of the appointments of the College; the bedding, etc.?

A. Not directly, sir.

Q. Have you been out at the College on Sundays?

A. I believe I have.

Q. Do you know whether the President complies with the rule?

A. I have not been there at the time of religious services.

Q. Do you know whether the President teaches or instructs in the school?

A. I do not, sir.

Q. Was anything said in the Board of Directors as to this question of the flags?

A. There was, sir.

Q. Any resolution offered?

A. I was about reporting a resolution myself, and I was given to understand that the flag would be placed upon the pole. I believe it was about two years ago.

Q. Did you offer your resolution?

A. I did not, sir. I was under the impression I had offered

the resolution; after examining the minute-book I found I had not.

Q. Why was the flag not raised?

A. The excuse was, the halyards were broken.

Q. Was the flag ever raised?

A. Yes, sir; I have seen it raised once or twice.

Q. Was it raised at the dedication of the Gettysburg Cemetery?

A. I do not think it was. The flags are laying now in one corner of the Directors' room.

Q. Did you vote for his removal in consequence of any political feeling?

A. No, sir; I believe he is of the same politics that I am.

Q. Have you read the bill in equity filed by Major Smith, against the Directors of the College?

A. I have, sir.

Q. Have you read a charge therein contained, that you gave a pledge for his removal?

A. I have read it, sir.

Q. Is that statement correct?

A. No, sir; I gave no pledge to any person whatever. Not one person.

Q. It is also stated, that day Gill and Haines voted, that they were determined to have a party man at the College; is that correct?

A. I said that I was desirous of having a loyal man there. I would prefer having a man that would raise the American flag on the top of the building during the celebrations that were going on during the Rebellion.

Q. You did not think Major Smith a loyal man?

A. I would not think any man a loyal man that would not do that.

Q. You made that inference from that fact—that he had neglected to do it?

A. Yes, sir; and from other things, too.

Q. It is also stated in this bill, that William H. Allen, prior to the removal, had called upon a member of the Committee, and was seeking his election. Did Mr. Allen ever ask you to vote for him?

A. I was not acquainted with him personally; had not seen him, and did not know him until I met him in the street two days ago. I had never seen him previous to that time.

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Q. You had not seen him before?

A. No, sir.

Q. Did he seek to induce you to vote for Major Smith's removal?

A. Not at all; nor no one else.

Q. Was there any caucus held?

A. None whatever, sir, to my knowledge.

Q. Had any of the parents of these children ever waited upon you to complain of the treatment?

A. Yes, sir.

Q. How many cases?

A. I could not enumerate them.

Q. Several?

A. Yes, sir. Some of them said that they were desirous of seeing their children, and could not see them; some of them said their children had been treated very badly. I do not remember the exact causes,

Q. You have seen these lock-ups?

A. Yes, sir.

Q. Did you ever see any boys confined there?

A. Yes, sir.

Mr. Harper. I wish to ask you, sir, whether any resolution of inquiry was ever offered as to the management of the College, or exercise of discipline, by the President?

A. I have no recollection of it, sir.

Q. Was there ever a report made, or resolution offered by any Committee or any Director, as to the management or discipline of the College?

A. I have no recollection of it, sir.

Q. Do you know whether the President was ever, in the presence of the Board, asked as to the discipline; or any fault found with him?

A. Not to my knowledge.

Q. You were a Director at the time that Foust, Haines, and Rhoads were members of the Committee on Discipline and Discharge?

A. I was, sir.

Q. Do you know whether these gentlemen, as a Committee or individually, ever reported any exercise of discipline of which they complained?

A. Not to my knowledge, sir.

Q. When did you receive a knowledge of these cases of cruelty to the boys, of which you have stated?

A. At various times.

Q. Give any particular one?

A. I cannot.

Mr. Littleton. You have stated one.

A. In reference to the boy B—d; it was last January I visited the lock-up and found him there. I think it was the coldest day in winter.

Q. You said you never saw Mr. Allen until within a few days ago?

A. No, sir.

Q. Had there ever been any consultation or understanding between you and other members of the Board as to the election of Mr. Allen?

A. No, sir. We had a caucus before the President of the Board was nominated; that is, the President of the Board of Directors, previously to the time Mr. Lex was nominated.

Q. I mean a caucus for a President of the institution?

A. No, sir; none whatever.

Q. Do you know of any particular boy who was whipped severely, or treated harshly, except from the representations of the mothers?

A. No, sir; of course we could not find that out; it was kept from us.

Q. You spoke of an instance where you asked the President for a leave of absence for a boy to attend a funeral. He gave no reason why he would not comply?

A. Yes he did. He told me it was contrary to the rules, and then he afterwards permitted the boy to go out. It was so stated to me by, I think, a brother of the boy. The brother said to me, You need not trouble yourself with reference to that matter tending to a leave of absence of this boy; that Mr. Vaux has fixed.

Q. Can you tell me the name of the boy?

A. I cannot. I cannot remember his name. I remember the circumstance.

Q. Can you find out who the boy was?

A. I think I could very easily find out. The boy is in the institution now, I presume.

Q. You spoke of having seen this boy B—d, who had his feet frosted?

A. I did not say his feet were frosted at that time ; I said that he was in the lock-up, and it was very cold ; no fire in the room at all ; the coldest day in winter.

Q. You said he had no shoes on ?

A. No, sir.

Q. No coat on ?

A. No, sir ; I do not think he had a coat on there.

Q. How was this brought to your notice ?

A. By the Chairman on Discipline and Discharge. I, being a member, thought it my duty to go and look to the matter, which I did.

Q. You spoke of those boys that had been away and enlisted. When did that occur ?

A. That occurred shortly after July ; about two months, I think it was in September. I cannot tell the precise date ; I could obtain it.

Q. What year ?

A. 1863.

Q. You was not a member of the Board at that time ?

A. I was not.

Q. How did that come to your knowledge ?

A. I was looking over the book for another matter. I wanted to see whether I had offered a resolution with reference to the flag.

Q. You found that upon the records of the College ?

A. Yes, sir ; it is upon the records of the College ; not in those precise words, though.

Q. Did you make your examination since the dismissal of Mr. Smith ?

A. It was found there ; yes, sir.

Q. You looked for it since ?

A. It has been found there since ; yes, sir.

Q. You say it has been found there since ?

A. I was examining the books with other parties ; of course I have no right to say who.

Q. Was it pointed out to you by another person ?

A. I do not care about answering that question.

Mr. Harper. In relation to the flag raising I wish to ask you what particular instance you allude to, when the flag was not raised on account of the halcyards ?

A. There was a great many persons asked me why the flag was not raised ; that was during the rebellion.

Q. At different periods?

A. Different persons, and at different periods; and I thought it was my duty to comply with the wishes of the citizens of Philadelphia, and ascertain whether the flag could be placed upon the institution, because I thought, like all other places of the kind, we should have the flag over it. I spoke about it, and a day or two afterwards I saw the flag flying. On several other occasions after that the flag was not up. As I stated before, the cause assigned for not raising the flag was that the halliards were broken.

Q. You say the President dismissed these six boys, according to the record. Did he do it without any action of the Board of Directors?

A. The Board of Directors had referred it to him, with power to act.

Q. The Board did not want to do it themselves?

A. I was not one of the Board at that time.

Q. Several mothers complained; what was the nature of their complaint?

A. They complained that their boys had been whipped and placed in the lock-ups; various other things.

Q. How often have you been in the habit of visiting the College on an average?

A. Sometimes twice a week; sometimes once in two weeks; sometimes three times a week; sometimes more.

Q. There was a question raised as to the loyalty of Major Smith. Do you think him a loyal man?

A. I think if I had been Major Smith I would have raised the flag upon the institution, and kept it flying there during the rebellion.

Q. That is not the question; I asked you whether or why you do not think him loyal?

A. I stated that I would not think any man loyal unless they would raise the American flag upon a building of that kind, or any other building.

Q. Is that the reason why you do not think him loyal?

A. Yes, sir.

Q. I understood you to say there was several other reasons.

A. That was my reason, sir.

Q. Any other reasons, except as to Major Smith's loyalty?

A. I might have other reasons I would not care about telling here.

Mr. Littleton. Why not give the Committee the benefit of that?

A. I have a reason for that, sir?

Q. Did you see these boys in the lock-ups before the Committee met?

A. I do not recollect.

Q. Mr. Lex requests me to ask, whether it was not after the Committee met?

A. I do not recollect; I remember seeing the boy there; I think Mr. Lex remembers the time too.

Mr. Franciscus. Did you see one of these boys that had been so severely whipped at the College?

A. No, sir.

Q. You stated that the reason for not believing Mr. Smith loyal was, that he did not raise the flag; you also stated that you believed he belonged to a party; did you ever know a man to belong to that party that was not loyal?

A. It has been stated by other parties; I do not care to bring that party in here; some persons that we consider party men; party men are sometimes not loyal. Andrew Johnson, the President of the United States, he does not belong to our party, although elected by us.

Q. Do you not think it necessary to have discipline?

A. Yes, sir; but not rigid discipline.

Q. Do you not think, in a collection of three or four hundred boys, that there are some boys that require very rigid discipline?

A. I do in some cases, sir.

Mr. Smith, Chairman. What do you know about the treatment of the boy named F——r, who died in the College?

A. That was not brought to my notice.

Q. You spoke of their being a caucus of the Board for President of the Board; was Mr. Lex present, and were all the members present on both sides? Did they all participate when Mr. Lex was nominated?

A. Yes, sir; we all stood by the nomination.

Mr. Littleton. Were the lock-ups over the infirmary?

A. Yes, sir.

Q. Did you consider that a proper place?

A. I do not think it is a proper place over an infirmary, where they have all kinds of cases and diseases.

Q. Were there not patients in the rooms below?

A. Yes, sir; they confined patients in the rooms below.

Q. Did you ever know of his ever delivering an original address while in the College?

A. I did not, sir.

Mr. Stokley. You said, a moment ago, you thought in extreme cases, rigid discipline was necessary; do you know of any cases which would require a child to be taken up at night, and in his night clothes, and whipped, and kept there standing on a cold night?

A. No, sir.

Q. Do you know of anything of that kind being done?

A. I have heard such a thing intimated.

Mr. Harper. You say you visited the College frequently; when you visited the College did you make an examination of the institution?

A. I would go through the various departments with the different Committees, where it would require my attention; of course I have been around.

Q. Did you see these various things mentioned in this communication, as to the beds and other things generally?

A. I have seen my name in that paper, and everything that is in that paper I will stand to.

Q. There is one of these statements I wish to call your attention to; it says: "Mr. Smith has, either directly or through his friends, caused the motives and persons of the Directors to be assailed by almost daily attacks through the columns of the public press." Do you know that to be the case?

A. I do not know it comes directly from Major Smith; it comes from certain parties interested with Major Smith.

Q. Do you know who those parties are?

A. I do not know directly, but indirectly I do.

Q. Can you tell the names of any of them?

A. I do not care about telling the names.

Q. You were speaking about the lock-ups; do you know who selects that portion of the building to be used as lock-ups? Who selected that room over the infirmary?

A. It has been removed since, I believe; we have another lock-up on the east side.

Q. I wish to know who fixes the place?

A. It is fixed by the President of the institution; he has sole charge of the institution, under the Directors.

Mr. Stokley. Is this lock-up recognized as one of the means of government of the College?

A. Not precisely by the rules; no, sir.

Q. Mr. Harper. Did you say the lock-up was not recognized?

A. I do not say so, by the rules of the College.

Q. Do not the rules say he shall be secluded?

A. The rules are new, sir.

Cyrus W. Horne, affirmed.

Q. Chairman. You are a Director of Girard College?

A. Yes, sir.

Q. You are one of the gentlemen who voted for the dismissal of Major Smith?

A. Yes, sir; I did.

Q. You will be kind enough to state to the Committee your reason for so doing. How long have you been a member of the Board?

A. Since last July a year.

Q. What was your reason for voting to dismiss Major Smith?

A. I consider him incompetent in many respects. In the first place, he does not appear to possess that parental feeling that I think should constitute a part of a man's nature to adapt him to govern little boys. In the next place, he has ignored the ruling of the Board on several occasions. In the month of July, 1866, the Board removed the late Steward, to take effect on the first of August; the Steward refused to leave; the Board directed the President not to recognize Mr. Field as Steward, and not to transact any of the business of the College through him; after which he still continued so to do. The Board was compelled to pass a more stringent resolution on the subject, and I believe he still continued the same course. In the next place, the Board, in September, 1866, adopted a code of rules for the College; I believe they were adopted by a unanimous vote; those rules he made an effort to bring into disrepute by dictating a communication and having it sent to the Board. I was also creditably informed that he told an officer of the College to pay no attention to

them, at the same time ridiculing the idea of a grocer making rules for a college. In the next place, for practising a degree of cruelty on the boys, uncalled for and inhuman, which I, as a father, would not permit any one to impose on a child of mine, no matter what the offence might be.

I have visited what is termed the lock-up, and have found little boys of tender years confined in what I should term a filthy den—a place that I would not allow my dog to be kept in. On opening the door the stench was fearful; no ventilation, (with the exception of a three-light window, and that chained and locked so as not to admit of having it opened more than about three inches,) the room destitute of furniture, with the exception of a small iron bedstead, such as usually occupied by one boy (in this case there was three,) and two mattresses, deprived of the major part of their clothing, no bed-clothing. I inquired of the boys how they managed to keep warm in bed. They said they could not keep warm, but done the best they could by getting between the mattress. Without any place to relieve the calls of nature, with the exception of a small tin bucket, without cover; and, in some instances, they are compelled to use the floor. Another reason is, I consider Mr. Allen a far superior man to Mr. Smith for the position. Another is, I prefer a tried loyal man to a doubtful one.

Q. By Mr. Stokley. Why do you doubt Mr. Smith's loyalty?

A. I doubt any man's loyalty that refuses to hoist the flag of his country on a public institution of which he is at the head, particularly when requested to do so by the Governor of the State.

Previous to becoming a Director, my business frequently called me to pass in the neighborhood of the College, and very often in company with ministers of the gospel, who, on various occasions, interrogated me as to the cause of the flag not flying from the College. On one occasion, I think, I was in company with the late Rev'd Chase, who lost his life by an accident at Mt. Desert last summer. We came up Corinthian avenue, in full view of the front of the College; it was on the occasion of some important victory, when flags were flying from every house-top; but no flag to be seen at the College. Mr. Chase remarked; "One would suppose that to be a rebel institution, for I never see a flag flying."

I was subsequently informed by one of the officers of the College, that the President would not allow it to be hoisted.

Q. Has there been, at any time, a consultation among the Directors in reference to the testimony they should give?

A. There has been none, to my knowledge. My testimony has been made up from my own knowledge.

Q. Do you know Mrs. F——r?

A. I did.

Q. What did you know about her intercourse with her boy in the College?

A. I have known Mrs. F——r for a number of years, and I know her family to be a very respectable one; as far as the treatment of her boy is concerned, I know nothing directly.

Mr. Littleton. What did she say to you?

A. She told me that her little boy was in the College, and had been sick. In fact, I knew he was there; I knew the boy before he went to College; and she was permitted to go in and wait upon him for three months, and he got better, and she left satisfied. It went on until his day to be home, when she, I think, wrote a note to Major Smith, to know why the boy had not come; and he wrote a note back to her, stating the boy was not very well, he was in the infirmary, and that if anything occurred of his being any worse, that he would let her know. She was very uneasy about the boy. This was Thursday. The next thing that occurred, a carriage was sent down for her, with the word that her son F——y was dead. She went up to the College. She met Mr. Lex and Mr. Smith and Dr. Hollingsworth. She met them in the Matron's parlor. They said F——y was gone, and said also that he would not live to be a man, anyhow, and she thought that was not very consoling. She stated that Mrs. L——s had told her that the boy was taken out of his bed, and taken to the chapel, which she said was very cruel; little F——y should never have been taken out of his bed; she had combed his head and washed his face. She also stated, that Mr. Field could tell her the same things; that little F——y had been treated very cruelly. Mr. Field was the late Steward. And it was terrible the way F——y had been forced to get out of bed, and go to the chapel; and she has told me, that since the dismissal of Major Smith, that Mrs. L——s had called upon her, wanting to recant from what she had said. That there was no use of getting up a dis-

turbance there now, that the Democrats had got into power, and there would be likely to be a change in the Board of Directors, and it was better not to say too much; that is as far as my recollection goes. She has been there twice since the dismissal of Major Smith.

Mr. Tyson. How long since you have noticed these things; that is, the ill-treatment of these boys?

A. None of these things have come directly under my own observation, only one or two cases. I would state, that I was not on any Committees that called these things to my notice, until the reorganization of the Board; I am now on the Committee of Discharge, and we have had one meeting, and there was three cases of delinquency called to our notice, and the boys made their statements; one of them, a consumptive little fellow, after being told to give his answers in his own way, was asked, "What do you get to eat, my boy, when you are in the lock-ups?" "Bread and water." "How often do you get bread and water?" "Twice a day." "Do you get that every day?" "Except last Sunday; did not get anything all day." "Did not get anything to eat all day?" "No." "Did you not get any breakfast?" "No; did not get any breakfast." "Did you get any dinner?" "No; no dinner." "Any supper?" "No; no supper." "Nobody came to see me all day." That I thought was rather cruel treatment.

Q. Is it not the Matron's place to see that the children were fed that come under her direction?

A. So far as my knowledge goes, Major Smith has charge of these matters.

Mr. Tyson. I think that it came directly under the Matron's charge; as it comes under the matter of discipline, I suppose after they are put into the lock-ups, I do not know whose business it is. Is that the only case?

A. Yes, sir; that is the only case that ever came under my notice. But then there are other cases. In regard to the boy B——d, and the boy by the name—I do not remember the name, I think it was S——n.

Q. Did you ever mention these things to Mr. Smith?

A. I have never mentioned these things to him; there always appeared to be a disposition to suppress everything on the part of Mr. Smith, saying that it was necessary for the discipline, and so forth; and an appearance of an effort

to suppress anything like an investigation. That has been the case with some members of the Board.

Mr. Harper. You stated that you considered Major Smith not competent. I would like to know in what respect you think him not competent?

A. From my own knowledge and from what I saw, I do not think he does possess the quality of a father to the boys. There is a degree of harshness about him that is rather repulsing, which is calculated to make boys fear him rather than respect him. I have no doubt his educational qualities are sufficient to govern that institution, or any other. I have not had an opportunity of judging that, so much as some others, if I was competent (as I am not) to judge.

Q. You stated that he ignored the rules?

A. Yes, sir.

Q. What rules do you particularly refer to?

A. He ignored them as a general thing.

Q. You spoke of a certain resolution passed by the Board directing him not to recognize Mr. Field as Steward, and he ignored that resolution; was not the question about the Steward before the courts?

A. Yes, sir; but no question before the Directors.

Q. Do you not consider it the duty to let the Court decide the question.

A. I do not know that it was before the Courts at that time.

Q. Did Mr. Roberts get the key or keys from him?

A. I do not remember with regard to that particular case about the keys. Directors do not generally take charge of keys.

Q. How did he try to bring the rules into disrepute?

A. By sending a communication, or having one sent, to the Board, which we learned afterwards he dictated.

Q. Is there any other instance which you know of, except the one you mentioned?

A. Not of my own knowledge. Of the others I have heard through other members of the Board, and also through sworn affidavits, which probably are before this Committee.

Q. Did you ever examine the lock-up?

A. Yes, sir; I have been in twice, only.

Q. When were you in them?

A. I was in sir, about, probably, a year ago. The first time over the infirmary.

Q. In what condition did you find it?

A. Rather a dilapidated looking place. I think the lights were broken out. No kind of convenience or comfort there even for a criminal in the county prison. I have visited the latter place, and found the cells in a different condition from the lock-ups at Girard College.

Q. Who is it that furnishes the lock-ups?

A. I suppose that the person who has it under his particular charge. I do not know that the Board recognizes lock-ups. They say the boys may be restrained, may have some change in their treatment for offences, but they do not say anything about these lock-ups.

Q. Was it not done by order of the Board?

A. Not to my knowledge.

Q. Do not the rules say they shall be kept in seclusion?

A. Yes, it says they shall be secluded. I know that there is a rule of that kind, I think that was for a change of diet. It does not say that they shall go all day Sunday without a diet.

Q. When you saw the lock-ups in that condition a year ago, did you call the attention of the Board to the fact?

A. Not directly; it was talked of by the members of the Board.

Q. Do you know whether any resolution of inquiry was ever offered as to the management of the College, as to the exercise of discipline?

A. I do not remember that there was. These things were often spoken of at the meetings of the Board. There appeared to be a disposition always to suppress anything like an investigation.

Q. Do you know whether a report was ever made or resolution offered by any Committee of the Board of Directors as to the management or discipline of the College?

A. I do not remember that there was; cannot say that there was.

Q. Do you remember whether the President in the presence of the Board, was ever asked as to the discipline, or any fault found therewith?

A. I cannot remember.

Q. Were you a member of the Board at the time when

Messrs. Foust, Haines, and Rhoades were on the Committee of Discipline?

A. I was a member of the Board but not of the Committee.

Q. Do you know whether the Committee of Discipline, Messrs. Foust, Haines, and Rhoades, ever reported any exercise of discipline of which they complained?

A. I do not know that they reported to the Board directly by any recommendation; I have frequently heard some of these gentlemen speak about these matters.

Q. Did they speak about any individual case of which you remember?

A. I do not think I remember of them doing so. I know the matter has been talked over in the Board publicly, on various occasions, but there appeared to be a universal idea to suppress investigation, as these things were necessary to discipline; that was the reply generally made to members. I have heard it frequently.

Q. When did you receive a knowledge of these cases about which you have testified.

A. The one I spoke of, the boy going without his meals, was a month ago, since I became a member of the Committee on Discipline and Discharge.

Q. Was it since the dismissal of Major Smith?

A. I think it was. I think Major Smith was present at the examination of the boy.

Q. Was you waited upon, or have you seen Mr. Allen prior to his election as President?

A. I was not waited upon. I saw Mr. Allen many a time prior to that year; I cannot say how long prior; I have frequently met him in the street.

Q. Did you meet him within a short period of the change?

A. I think I saw him a few days or weeks before.

Q. Was there any conversation upon the subject of the change of the Presidency?

A. I think I had. I met him in the street; I think it was Fourth and Arch streets.

Q. Can you tell what that conversation was?

A. I do not know that I can state it definitely; I can give you an idea of it. I think I said to Mr. Allen, and asked if he would accept the presidency of Girard College again if there should be a vacancy. "Well," he says, "I do not

want anybody to create a vacancy for me. Do not ask anybody to vote for me; probably I might be induced to accept that, if there was a vacancy."

Q. He did not ask you to vote for him?

A. No, sir; nor he did not want anybody to create a vacancy for him.

Q. I have been requested to ask you a question, Mr. Horne—whether you have not seen several persons, and inquired about charges against Major Smith, since his removal?

A. Not to my knowledge, I have not.

Q. You have not sought to find things out since his removal took place?

A. No, sir; there has been several persons called upon me, offering evidence.

Q. You have not called upon any one?

A. Yes, sir; I have called upon Mrs. F——r, who sent me a note. This is the time when she (Mrs. L——s) told me about wanting to recant from what she said when I was in the parlor. She was up stairs [Mrs. L——s].

Q. She requested you to call?

A. Yes, sir; she said she was going to come to see me a long time ago. She wanted to see me in reference to Mrs. F——r's F——y. She had come to it—it was too bad—and her heart failed her. She was rather a modest kind of a woman.

Q. You did not seem to think that Major Smith was a loyal man?

A. I stated I had my doubts.

Q. Is there any reason why you have doubts about it?

A. That is the principal reason; I do not know that there is any other reason. That is reason enough for me.

Q. Do you know whether he was ever called upon?

A. I know from the evidence of the Carpenter; I have other hearsay evidence.

Mr. Littleton. Did Mr. Allen ever ask you to vote for him?

A. No, sir.

Q. Did he ever seek to induce you to remove Major Smith?

A. No, sir; to the contrary.

Q. Have you read the bill in equity?

A. Yes, sir.

Q. Is it true?

A. False.

Q. You spoke of their endeavoring to suppress an investigation: was it those who voted for him, or against him?

A. Those that voted for him.

Q. Those who voted against the removal?

A. Yes, sir.

Q. When you referred to the case of the Steward, did you ever hear that he had done right in taking the course that he did?

A. I have heard so; I do not remember who it was that told me.

Q. That the Steward had done right?

A. I have heard that talked of.

Q. Do you recollect that you said so?

A. I do not; I could not give any person's name as to that.

Q. Do you know whether the President complies with the rules requiring him to instruct or teach?

A. I do not.

C. R. MORGAN, M. D.,
Sworn Reporter.

November 13, 1867.

George Remsen, sworn.

Mr. Wagner, Chairman, pro tem. Mr. Remsen, you voted with the majority in displacing Mr. Smith. Be kind enough to give to the Committee your views which led you to vote in that way.

A. I believed the interest of the College required a change in the executive, therefore I voted as I did in vacating the chair of Major Smith, President. One of my reasons for voting so, were the numerous complaints that I had heard from mothers and friends of the unjust treatment of the boys; they being confined in the lock-ups for unreasonable times; being debarred other privileges, as I suppose, unjustly. My main reason for voting so was from the fact that it was brought to the notice of the Board that three of the pupils, within the space of five months, had been permitted to have

criminal intercourse with one of the servants, which was never discovered until her condition rendered the thing manifest.

Mr. Harper. How were they permitted to have intercourse?

A. By their not being discovered until that time; which, I think, should have been done in an institution of this kind. I do not see how it is possible, with proper government, that a thing of this kind should be allowed.

Q. You do not suppose it was allowed?

A. It was allowed, or it would not have been committed.

Q. Do you mean to say that it was through the connivance of other parties?

A. I think that it ought to have been discovered if proper surveillance had been given over the boys.

Mr. Littleton. You say that the President was unfit to fulfil the duties of President. How long have you been satisfied of that fact in your mind?

A. I think some six months ago I mentioned to the Matron, that from the government of the institution, and the disorganization manifest throughout the College, that I was satisfied, if it was not remedied, that there would be a change in the officers of the institution.

Mr. Franciscus. Did you ever say so to the President?

A. No, sir.

Q. Did you ever have any caucus to determine upon this question of removal?

A. No, sir; I acted independent of any member of the Board of Directors.

Mr. Littleton. That view you arrived at from your own examination of things?

A. Yes, sir; and from the reports brought before the special meeting of the Directors whenever I was present.

Q. Were you ever present at any caucus?

A. No, sir.

Q. Do you know of any caucus being held for the purpose of removal?

A. I do not know of any.

Q. Have you read this bill in equity, filed by Major Smith, against the Directors of the College?

A. I think I glanced over it. I do not think that I read it thoroughly.

Q. Do you recollect the statement that President Allen had induced you to vote for him?

A. I recollect that statement.

Q. Did he ever ask you to vote for him?

A. No, sir.

Q. Did he try to induce you to vote for the removal of Major Smith?

A. Never.

Mr. Wagner. How long have you been a Director?

A. Nearly a year and a half.

Mr. Franciscus. When did you first know of a resolution to be offered before the Board for the removal?

A. When I met the Board at the time.

Mr. Littleton. How long had you made up your mind for the removal?

A. I had made it up six months before, without any consultation.

Q. On what grounds had you made up your determination?

A. As I stated before, from the disorganization of the College, from the President down.

Mr. Franciscus. Had you ever any knowledge of this resolution before it was read in the Board?

A. No, sir.

Q. These complaints you spoke of to the Matron; did you ever bring them before the Board?

A. No, sir.

Q. Whose duty was it?

A. It was the duty of the Committee on Discipline and Discharge, of which I was not a member.

Q. Did you know it was the duty of each member to bring any matter of disorder before the Committee?

A. It is rather a difficult matter for one member of a Committee to interfere with the others.

Mr. Harper. I wish to ask you whether any resolution of inquiry was ever offered as to the management of the College, or as to the exercise of discipline by the President?

A. I cannot answer that question from memory; it will be shown by the Minutes of the Board.

Q. You do not recollect any?

A. No, sir.

Q. Do you know whether any report was ever made, or

resolution offered, by any Committee or Director as to the management of the College by the President?

A. I cannot answer that question.

Q. Do you know whether the President, in the presence of the Board, was ever asked as to the discipline or any fault found with him?

A. I can only answer, that so far as resolutions have been passed, which have not been fully carried out by the President, and he was asked his reasons for doing so.

Q. I wanted to know whether the President was ever asked as to the discipline, or any fault found with him?

A. I do not think I can answer that fully.

Q. Just give us your views about it.

A. I think the question has been brought up so far as allowing boys liberty to go out of the College without his consulting the Board; I do not know how far that went; I cannot say.

Q. Were you a member of the Board when Messrs. Foust, Haines, and Rhoades were on the Committee on Discipline and Discharge?

A. I think so.

Q. Well, sir, do you remember whether they ever reported any excess of discipline by the President?

A. I remember the complaint being made; I cannot state the facts; they are on the Minutes; they will bring forth that fact.

Q. Do you know anything about these cases of cruelty, about which some of these gentlemen complained, being practiced upon the boys.

A. Only by information conveyed to me by the mothers and friends of such facts as have been handed over to the members of the Board, and will be brought before the Committee.

Q. You do not testify to them yourself, of your own personal knowledge?

A. No, sir.

Q. Do you know anything about these recent rules that have been framed?

A. I know there was a code of rules adopted by the Board.

Q. Do you know who got these rules up?

A. I suppose that some of the members of the Board; Mr.

Roberts was Chairman; I do not know who got the rules up.

Q. You do not know who wrote them, do you?

A. No, sir.

Q. Did Mr. Allen ever ask you to vote for him?

A. No, sir.

Q. Did you see him shortly previous to his election? Did he call upon you?

A. He did.

Q. He had been in the habit of visiting you previous to that?

A. No, sir; I had seen him occasionally; I had not much conversation. We have a place adjoining each other in the country.

Q. Where did he call upon you?

A. At the store, in the city.

Q. Was there anything said about there being a vacancy in the Presidency of Girard College?

A. I think not; never had any conversation with him upon that subject.

Q. You have seen this publication in the newspapers, signed by the ten gentlemen? Was your name authorized to be put there by you?

A. Yes, sir.

Q. I notice in one portion that it says, that "Mr. Smith has, either directly or through his friends, caused the motives and persons of the Directors to be assailed by almost daily attacks through the columns of the public press." How do you know it to be the case?

A. I do not know it personally, but I believe it is a fact. I read them morning and evening; from the similarity of the articles, I supposed that there was a foundation from headquarters.

Q. Still, that is only an impression?

A. I do not know that it is only an impression—I believe it.

Q. How long have you been a member of the Board of Directors?

A. About eighteen months.

Q. It says: "After four years of trial, we have found him, etc., unfit for his position."

Now, sir, did you give him four years of trial?

A. I did not ; some of the members have been there longer than four years.

Q. You were not one of these parties ?

A. No, sir.

Q. How was it that you put your name to it, saying you had given him four years of trial ?

A. Because I believed the members had given him four years of trial. My trial did not last long, as I stated before.

Q. Was not that communication written by a gentleman who had been in the College over four years ?

A. Yes, sir.

Q. Who was the gentleman who wrote that communication ?

A. I think the Chairman upon Discipline and Discharge.

Q. You just now said that gentleman had been for years a member of the Board ; now you say you do not know.

A. I do not know positive.

Q. Who is that ?

A. Mr. Foust.

Q. He has been here four years ?

A. I believe so ; longer than that.

Q. In their statement, in this communication in the paper, it says : "Because abuses have existed in the treatment of the orphans, which the public never expected, and which the Directors have vainly sought to change in any other way." Now, sir, what were these abuses you speak of ?

A. Confining the boys in the lock-ups for unreasonable times, having them chastised and other modes of punishment ; and one communication was sent to me by a mother, that her boy had been kept in an unnatural position, with his fingers upon his toes for half an hour at a time, and also other modes which I cannot recollect, which will be brought before this Committee by other members.

Q. What do you mean by saying : "Which the Directors have vainly sought to change in any other way ?" What efforts have they made to change it ?

A. I think, when complaints had reached the President, they were cast aside by other members as not worthy of credence ; of course we could not find out the exact modes of punishment.

Q. Well, in what way did you seek to remedy that, and to change them ?

A. I do not know that I can answer that, sir.

Q. Who are these mothers that you spoke of as having complained of the treatment of their children?

A. I have not their names before me; they will be presented to the Committee in due order of time; their communications were filed.

Mr. Wagner. Were there numerous complaints?

A. Yes, sir.

Q. Have you any relatives in any way connected with the College?

A. Not that I know of.

Mr. Franciseus. Do you know how many of these complaints have been entered by mothers of these children in the eighteen months that you have been in the Board?

A. I do not.

Q. You can give no idea of the number?

A. I cannot.

Q. Have you seen any of these affidavits that these mothers have made?

A. Yes, sir.

Q. How many, sir.

A. I could not tell you; I did not keep any account of them.

Mr. Littleton. Did you vote for the removal of the Matron at the same time?

A. I did, sir.

Q. Was there any protest or objection on the part of the minority?

A. No, sir; I believe the vote was unanimous.

Q. Why did you vote for her removal?

A. Because I believed it was necessary.

Q. Was there any preferment of charges?

A. No, sir.

Q. No one asked for any?

A. No, sir.

Q. Do you, or do you not, know whether the President complies with the rules requiring him to deliver addresses in the chapel?

A. I cannot say of my own knowledge.

Q. Do you know anything of yourself?

A. No, sir.

Mr. Harper. Do you understand, sir, that the care of the whole College, all the minutiae of looking after the children, their cleanliness and health, belongs exclusively to the President?

A. I think he ought to have the general supervision of the College throughout, of all the officers under him.

Q. Well, one of these rules here says, the Matron "shall supervise and direct the whole economy of the establishment; she shall watch over the manners and habits of the pupils; she shall give personal attention to the food, clothing, lodging, cleanliness and health of all the members of her household; she shall see that all the apartments and offices connected with the dwellings, or used for the purposes of the household, are kept clean and in good order; she shall frequently visit and inspect the pupils in their section rooms and lavatories, and by frequent mingling with the pupils during the hours of study and recreation, she shall endeavor to inspire them with love for, and confidence in her, so that all the troubles and hopes of childhood may be communicated to her as they arise, and may be the means of instilling valuable lessons and of forming correct and virtuous habits; she shall attend to the preparation of the outfits and clothing of pupils when they are about to leave the institution on trial, or to be indentured." Now, sir, I wish to know from you, whether the Matron, at the time you dismissed Mr. Smith, was dismissed at that time, and whether she was a person to attend to these duties properly?

A. In my opinion she was not, or I would not have voted for her dismissal.

Q. Then, I suppose, a great deal of the fault in her department would be imputed to her in that disposition of the duties?

A. Suppose you read the President's duties.

Q. Mr. Harper. "The President is directly responsible for his official conduct to the Board of Directors; he shall make report, in writing, to the Board at every stated meeting, transmitting information of the condition of the College, and calling the attention of the Board to such matters or things as require their action or consideration."

"The President shall be responsible that the rules and regulations of the College, and the orders and resolutions

“of the Board of Directors, relating to the administration
“and discipline of the College, are faithfully and promptly
“executed, and he shall report to the Board all delinquen-
“cies in duty and violations of the rules by the officers of the
“College, and all such instances of mal-conduct on the part
“of any pupil or pupils, as in his judgment require the action
“of the Board.” Is that what you allude to?

A. That will do now.

M. Littleton. Read rule 8th, Mr. Harper.

Mr. Harper. Rule 8th read: What I wish to get at is, whether the Directors, individually or as a body, expected that all the details of an institution of this size shall be carefully superintended by the President himself, or whether these duties are not put upon other persons. In other words, I wish to know what you mean by general supervision?

A. Why, that he should know all that is going on through the College, from the lowest officer up. I supposed that that is what his duties are.

Q. Does he know that?

A. It appears not.

Q. In what respect does he not know it?

A. Well, I think if he had known that, he would not have permitted these boys to have had connection with this servant in this College for the space of six months. There must have been times and seasons when these boys were away at unreasonable times, which I think it was the duty of the President to have discovered.

Q. That is, you suppose there must have been times of this kind. You do not know of your own knowledge, I suppose?

A. No, I suppose it.

M. Wagner. Did anything similar to that take place before; did you ever hear of anything of the kind?

A. I never heard of it.

Mr. Franciscus. Do not the minutes show that during President Allen's administration such a thing did occur?

A. I do not know.

Q. There has been a question asked as to the Matron; did she ever make a report?

A. I do not know.

Q. It is her duty to do it?

A. Yes, sir.

Q. Do you attend the meetings of the Board regularly ?

A. I believe I have been at every meeting, and if any reports had been handed in I would have known it.

Q. Was there not a report from the Matron, stating that things were in a bad condition ?

A. I do not recollect.

Q. Was the attention of the Board ever called to the condition of the out-buildings ?

A. Not to my knowledge.

Q. Was it not the duty of the Steward to make a report to the President of the department of the College ?

A. I should suppose it was.

Q. Do you know whether the President has ever presented him before the Board for not performing that duty ?

A. The minutes of the Board will show.

Mr. Harper. Sect. 5th relates to the duties of the Steward. Do you know anything how these purchases are made ?

A. I do not ; I have not been on that Committee.

Q. Does not the Committee make a monthly report in writing ?

A. I am not one of the Committee ; I do not know.

Mr. Cattell. How are these purchases made ?

A. Under the direction of the Committee on Household.

Mr. Martin. You say one reason was the unjust treatment of the boys. Did you know of any of this yourself ?

A. No, sir.

Q. How debarred from privileges ?

A. Kept from the play-ground—not allowed vacations. This is as punishment.

Mr. Harper. Do you know whether there were any other rules except this present code of rules ?

A. No, sir.

Mr. Littleton. Do you know whether the President ever told any officer not to regard the rules ?

A. Only from hearsay. Do not know much of my own knowledge.

Q. Have you been informed that such was the case ?

A. Yes, sir ; I was informed of that fact.

Q. Do you recollect that a remonstrance to these rules was presented by an officer of the College ?

A. I recollect it.

Q. Did you ever hear the President had suggested that remonstrance?

A. Yes, sir.

Mr. Wagner. In relation to your vote against Major Smith, were you actuated by any malicious motives?

A. None at all.

Q. You thought the best interests of the College demanded his removal?

A. I stated I had that impression formed, not from intercourse with any other officer, some six months ago.

Q. Did you vote against him on any political reasons?

A. No, sir.

Q. You had no personal motive?

A. None whatever.

Mr. Harper. How long previous to the removal of Major Smith was it, that Mr. Allen called upon you at the store?

A. I cannot recollect how long.

Q. Was it within a week?

A. Probably within two weeks.

Mr. Littleton. Was he in the habit of calling at your store for the purchase of books?

A. Yes, sir.

Q. Was anything said at all with reference to the change?

A. I do not recollect; there were the usual salutations of the day.

Q. Was Mr. Allen a friend of Mr. Lippincott's also?

A. Yes, sir; he was acquainted with all of us.

Q. How long previous to that was it that he had been in the store?

A. I cannot say.

Q. Was it within six months?

A. I cannot say.

Q. Was it within a year; can you say as to that?

A. No, I cannot.

Mr. Littleton. Might he not have called and you not have seen him?

A. Yes, sir; people, my own relatives, come in and I do not see them—especially when I am in the back part of the building.

Mr. Tyson. You spoke of numerous reports of ill treatment of the boys; how long ago did you receive that information as to any?

A. I suppose six or eight months.

Q. Any longer than that?

A. I do not know.

Q. Previous to your vote against him?

A. Doubtless.

Mr. Tyson. The reason why I asked that question was, because you signed this report in the paper.

Thomas M. Coleman, affirmed.

Chairman. Mr. Coleman you will be kind enough to give to the Committee some of your reasons with reference to your vote.

A. I have no statement to make that I am aware of; I am ready to answer any question that the Committee may propound; I can only state that I voted against the removal of Mr. Smith at the time, because I had never heard any reasons why I should vote the other way; I had heard rumors that Mr. Smith was not the proper man for the place, and I have heard rumors of what mothers of boys had said, and I have always stated to the members of the various Committees, that if they had any charges to make against Major Smith, that they should make them and report them to the Board, but up to the time of submitting that resolution for his removal, I had not heard a single charge rendering him unfit; for that reason I voted against the removal, and asked that the party who offered it should submit their reasons, their charges against him, and moved that it be referred to the Committee composed of their own side, and if they could bring any charges against him, that I would vote for his removal.

Mr. Harper. I wish to ask whether you know if any resolution of inquiry was ever offered as to the management of the College, or fault found with the exercise of discipline by the President?

A. No, sir; I do not know of any; since I have been here the records will show that I would not like to say that there was not any; I have never heard any report.

Q. I wish to ask you, whether any report was ever made, or resolution offered by any Committee, or any Director, as to the management or discipline of the College?

A. No, sir; not to my knowledge.

Q. Do you know whether the President of the College, in

the presence of the Board, was ever asked as to the discipline, or any fault found with him with regard to it?

A. I have heard members in their individual capacity, in the room and out of the room, talking about the discipline of the College; I have never heard any charge made.

Q. The question is whether the President was ever asked as to the discipline, in the presence of the Board, or any fault found relative to him?

A. Last summer, sometime, there was a resolution offered by a member of the Board, that the President be directed to have a boy stationed at the gate for the purpose of taking parties who might visit the College, around, having permits with a special mark upon them; the mover of the resolution not finding a boy there, wanted to know of the President, why he did not carry that resolution out, and he stated that the resolution meant, that a boy should be sent there whenever required, and the mover stated that the boy should be stationed there at all hours, when the visitors were coming in; to the best of my recollection I do not recollect any time when the President was ever brought to an account, except that one; after the explanation, the resolution was amended; since that time the President has carried out the rule; that would not have occurred, only there appeared to be a misunderstanding; the President was opposed to sending a boy there at all.

Q. Were you a member of the Board during the time when Messrs. Foust, Haines and Rhoads were on the Committee on Discipline and Discharge?

I had been here a year before Mr. Haines was elected, and a year before Mr. Rhoads was elected; Mr. Foust was a member when I came here.

Q. Do you know whether these gentlemen were on this Committee?

A. Yes, sir; certainly.

Q. Then you were a member at the time.

A. Yes, sir; I was not on the Committee myself.

Q. I wanted to know whether that Committee, composed of those three gentlemen, ever reported any exercise of discipline, of which they complained to the Board?

A. To the best of my recollection, there has been no report made since I have been a member of the Board, complaining of any severity, or the discipline of the College, in any shape

or form; that is the best of my recollection, and I do not recollect anything of the kind being reported; I would just state in this connection, that the reports of all the teachers of this institution, only made to-day, exhibit the classes in good condition, according to their statement, and I suppose they are to be relied upon, progressing in their studies; discipline of the schools good, with one or two slight exceptions of boys, who do not progress very well; that was just made this afternoon.

Mr. Harper. Were you waited upon by Mr. Allen, or did you see him previous to his election to the Presidency, this last time?

A. No, sir.

Q. He never called upon you?

A. No, sir.

Q. You never met him anywhere?

A. I have met him in the street.

Q. Have you had any conversation with him?

A. No, sir; not upon this subject. I would state, relative to the removal of Major Smith, that after the election in July, when the new members were elected to this Board, I think it was in July or June, but very soon after that election, I was met upon the street by a gentleman, who seemed to be very familiar with all the doings of the College, and he told me that Major Smith was to be removed, and that they had counted noses, and had ten, not counting me in.

Mr. Littleton. Was that gentleman a Director?

A. No, sir; I said to him at that time that I did not suppose any attempt would be made to remove Mr. Smith, unless charges were preferred against him; that up to that time I had heard nothing that would convince me to give my vote for his removal.

Q. Who was that, Mr. Coleman?

A. I cannot give his name, I do not know that the Committee would think it in order. It would be of no use.

Mr. Wagner. I do not think it would be of any use?

A. Mr. Coleman. I only state that to show that it was the first intimation that I had. Though I have heard frequently said, before being a Director, that Mr. Smith was not the man for the position, and I came out here rather prejudiced against him, but when I have asked for any specific act that

he has performed that unfits him for the position, I have yet failed to get one to my satisfaction.

Mr. Harper. I wish to know whether you have read the communication signed by the ten Directors, published in the newspapers?

A. I did not read it over carefully; I glanced over it in Councils, two or three weeks ago; I found it there upon the desk.

Q. You are connected with the papers, are you not?

A. Yes, sir.

Q. Did you in any way ever influence any of these attacks said to be made upon these gentlemen?

A. No, sir; there was a denial made, so far as the paper that I am concerned with, in an editorial a few days ago, that is a part of the paper which I have nothing to do with, and have no more control over it than any member of this Committee, and the information where it was obtained of course I cannot answer. The editor is out in the community as well as I am, and the gentleman called to his place, I do not think that I ever saw Major Smith in my life, in the editor's room. Major Smith called to see me on the day this paper was signed, with the card with the request that I would not publish it. He thought, perhaps, that he did not want to create a feeling outside. But I told him as it was a public document, and would certainly be in the papers, I could see no force in that.

Q. Which do you refer to?

A. The bill in equity. As far as Major Smith is concerned, I never knew him to go to a newspaper office and ask for a line to go in.

Q. Have you ever known of any cruel treatment to the boys in the College?

A. No, sir; I have never had a complaint from anybody, from a parent or anybody else. I have heard it talked of, but I have never heard officially in this Board, except what are on the records and the reports of the Committee on Discipline and Discharge, which are open to the Committee. I cannot recollect of any.

Q. Do you know whether an unusual number of boys have been severely punished since you have been here?

A. No, sir; I have never heard any complaint from any Committee or member that he was whipping too severely. I

recollect when I first came here, I was told, (I inquired the fact from old members of the Board whether they had any rules for the government of the Board and of the College,) that there had been some rules years before that, but they were obsolete, that they were not enforced, and I think the first or second meeting after I came in twenty-five months ago, that Mr. Heaton made a motion that a Committee be appointed to draft rules. From some cause or other they passed over until July a year ago, when another Committee was appointed, and rules reported and adopted for the government of the College. Previous to that time, i. e. to the adoption of these rules, it had been customary for Prefects to whip boys, and when that matter came up, we adopted a rule which prohibited any whipping except in the presence of the President. That was a rule adopted by the Board after a long discussion, and how long the Prefects had been in the habit of whipping the boys before I came here I am unable to say.

Q. Do you know how these rules were gotten up?

A. I was on the Committee; I never attended any of the meetings. Mr. Roberts was the Chairman of it. I believe they were the old rules that had been in existence for a long while. I do not know what alterations had been made; Mr. Roberts was the Chairman. The only meeting I ever attended was when the rules were reported to the Committee; they were read in the Board and adopted some fifteen months ago. I do not recollect exactly the time. Since the adoption of these rules, so far as I know, there has been no complaint that the President violated them, or any one in particular, that I am aware of; that is to say, I do not know that they have. I have attended every meeting of this Board except one, since I have been a Director of the College, and every meeting of the Committee on Household, except two or three, and last month I have not been here but once or twice, and one or two instances before.

Q. I want to ask you whether Rule 13 was altered any way?

A. Well, I cannot answer that. I recollect we had some discussion upon this rule, with reference to the proper person to place there, but I am not able to say whether there was any alteration in that or not.

Q. Do you know whether there has been an unusual number of boys running away from the College, during the period which Mr. Smith has been President?

A. No, sir; I have not heard of an unusual number; they have been generally reported, and there has been no comments upon an unusual number running away. It is understood by the Committee, that the boys were leaving the institution; they get permission from the Prefects to go into the grounds, and a wall eight or nine feet high presents no great difficulty to a boy who wants to leave, if he desires it.

Q. I suppose you are familiar with these rules?

A. I cannot say that I am very familiar with them.

Q. The reason I ask you that question is, I find the duties of the officers particularly provided for in these rules. For instance, it says, "The Matron shall supervise and direct the whole domestic economy of the establishment. She shall watch over the manners and habits of the pupils, give personal attention to the food," etc., etc. Now Mr. Coleman, with these rules before you, do you expect the President of the institution shall look after the clothing, health of all the persons of the household, and all their morals, and give personal attention to it?

A. I understood, under the rules, that the President had a general supervision of the College, and that these different parties reported through him to this Board. The Steward making his requisition, or any suggestions that he has to make to come before the Board, is handed to the President in writing. I don't understand, nor do I think the President so understands it, that he was to see, except in a general way, that the rules of the College were carried out, and when they were not carried out, I suppose that the Chairmen of the various Committees would report to the Board.

Q. Was the Matron, who was discharged lately, considered a proper person to take charge of these duties?

A. Well, I do not think that she was hardly competent for the place. There are a good many boys here, and she never had charge of an institution of such magnitude as this, and there was a good deal of complaint, and a difficulty between the Matron and Steward; and the Matron that was dismissed recently, was one that talked a great deal, and the Directors always seemed to avoid her as much as possible on that

account. There was no very great complaint made, that I am aware of, except they thought she was unfit for the place, and that a better one could be provided. I was perfectly satisfied in the election of the one we have now in her place.

Q. When you first came here, was the Matron that was here at that time, was she a good Matron?

A. At the time they talked of removing Mrs. R——n, it was talked of a year before they did remove her. The first caucus held, after the Republicans got a majority in this Board, I inquired at that time if there was any particular reasons why she should be removed; that she had been guilty of no act that unfitted her for the position, and whether she was competent or not. I got no response; no one could say but what she was an excellent woman, and a good Matron. Then the matter passed over for a year; it was postponed, at my suggestion, at one meeting we had, to give me an opportunity to inquire about Mrs. M——l; and before I was ready to vote upon it, the election came around. I voted for Mrs. M——l, and she was defeated, and this woman put in. I never heard any charges against the woman at all.

Q. Who is the present matron?

A. Mrs. M——l.

Q. You have got her back again?

A. Yes, sir; I would state, in reference to the statement about the vermin, that was I suppose a year ago, the barber who was cutting the hair, found five or six of them with their hair, matted together, and it was necessary to shave the hair off entirely; and in doing that, he discovered some vermin in their heads. He told me of it at the next meeting of the Board, and I called the attention of the Board to the fact, and asked whose duty it was to see that they were kept clean; and the reply was, that it was the Matron's; from that day to this, I heard no complaint. I inquired of the barber, a few days ago, and he says, that since that time he has discovered no such thing.

Q. Were you present at the examination of the boys, in reference to their intercourse with the female?

A. I was present when the Chairman on Discipline made his report.

Q. What was the result of it?

A. It seemed to be generally understood, and acceded all around that nobody was to blame.

Q. Was there any blame attached to the President ?

A. No, sir.

Q. No Director made any complaint ?

A. No, sir. No charge ; I think the report of the Committee exonerates him. That occurred in such a way that no officer could have avoided it. The girl got in the bath-room with the boys who were in it.

Mr. Littleton. How long have you been a Director ?

A. From last July it is two years.

Q. What Committees are you on ?

A. On the Household Committee.

Q. Is that the only Committee you are on ?

A. It is the only one I attend ; I am on the Committee of Infirmary.

Q. Have you attended regularly to the Committee meetings ?

A. I believe I have missed but two or three.

Q. Have you examined all parts of the College ?

A. I was through the infirmary, I went through and examined the heating apparatus.

Q. How often have you been there ?

A. Not very often. I was through the College about five or six weeks ago.

Q. Is that the only time you have been through the College since you have been a member of the Board of Directors ?

A. It is the only time.

Q. Have you been in the lock-ups ?

A. No, sir.

Q. Have you ever examined the out-buildings and privies ?

A. No, sir.

Q. Do you not know the condition they are in ?

A. I do not know anything about them ; I suppose if they were filthy, that we should have that through the Chairman of the Committee on Household. It was supposed that the Chairman would visit them.

Q. And suppose that he did not ?

A. Then I should think that he was not fit for that duty.

Q. Is there any officer that has that in charge ?

A. I do not know.

Q. I believe you have read these rules ?

A. Yes, sir ; I heard them read.

Q. Have you paid any particular attention to them, except at that time?

A. No, I have not.

Q. Have you ever read the rule in relation to the President's duties, "That he shall see all officers," etc. Do you not consider it the President's duty to superintend all these matters?

A. Certainly, I believe he has.

Q. You stated that was the duty of the Matron.

A. I would state that the Matron is in the habit of sending every month, a communication to this Board, of things needed, and the condition of the house. And whenever anything was needed, it is generally referred to the Chairman on Household.

Q. Suppose the Matron and Steward neglect their duties? whose duty is it to watch over them?

A. I suppose it the Directors duty; they ought to know.

Q. Which Committee has charge?

A. The Household Committee and all the members of that Committee.

Q. How often were you through these parts of the College?

A. Which parts?

Q. The dining rooms, laboratories, lavatories, and dormitories?

A. Not often.

Q. More than once?

A. I have been through them about two or three times.

Q. Have you ever been in the school rooms?

A. No, sir; never. We have a good Chairman of that Committee, who I know visits them, and I rely on his statements.

Q. Do you not think your duty as a Director requires you to have a supervision of all the things of the College?

A. I have a supervision of all those things when they come up.

Q. Well, suppose they are neglected?

A. Well, it is not my business; I believe that, as I have often stated that the Directors ought to be gentlemen that have the time and the means to visit the institution often, and see to it.

Q. Do you think that relieves anybody from any obligation, who assumes the duty and the position?

A. When they find they have not the time.

Q. Then you do not think it is their duty to resign?

A. I might ask you that same question, as to your duty in Councils.

Q. Were you present at the time the resolution of dismissal was before the Board?

A. Yes, sir.

Q. Did you vote for the resolution dismissing the Matron?

A. No, sir.

Q. Did you ask for any charges to be preferred against her?

A. No, sir; I was not present when she was voted out.

Q. Was she not removed at the same time?

A. No, sir; after the matter had been discussed upon the resolution removing the President, that was offered just previous to adjourning the Board, and as I supposed they had no idea of it, and as they were about to adjourn when the resolution was offered to vacate the position of President of the College, it was discussed for some time, having an engagement in the City at seven o'clock, I requested when the vote was taken that my name should be recorded against the resolution, that is, dismissing the President. That was agreed to and I left. I had no idea at the time that the Matron would be dismissed, as there was nothing said.

Q. If you had been present would you have voted for her removal? And if you had thought the President incompetent (without charges,) would you not have voted without asking for charges?

A. I do not know as I could.

Q. Will you state to me why you would vote for the removal of a weak woman, and not for a man, without charges?

A. The position of Matron and President I look upon as being quite different affairs. We can find plenty of Matrons without difficulty, but the difficulty is in getting a gentleman for this position who is entirely competent.

Q. My question is, whether you would have voted for him without charges?

A. I do not know whether I have any right to answer any such question as that; I am not answering as to what I would have done.

Q. Do you consider it incumbent to have charges? I

mean, if a gentleman had been satisfied in his own mind, would he have taken the trouble to have had an investigation?

A. Certainly; I would state what controlled my action ever since I became a member of this Board, and before I became a member of it. When I attended a caucus, when I was first elected a Director of this Board, I was invited to the caucus for the purpose of removing the Steward and the Matron, and the first question I propounded to the old members was, if there was any reason why these officers should be removed, believing that under the Will of Girard, that we had no right to remove any one, except we had good reasons for it. That governed me in my action in the caucus, and for a long while after, the Steward remained in the institution, who is in opposite politics to the majority of the Board; the reason of that was, that the members of the Board, at that time, could not agree upon the gentleman that they thought fit for the position. They had agreed to dismiss the Steward, but we could not find, in our estimation, a man who combined all the qualities for that position; we had nominated a man for the position, and after that, some member of the Board stated that he had been informed from other parties that the gentleman who had received the caucus nomination, was unfit for the position of Steward, and that caused the delay. When the new Board came in, six democrats came in, and then it was unanimous. At the first meeting of the new Board, organized in July, a resolution was offered, that the Steward should be dismissed and his place declared vacant, and it was so declared. Some four or five members opposing, I asked for delay at that time, to have all the members here; that was not granted, and the place was declared vacant; and on the same afternoon Mr. Hartley, the gentleman who had received the caucus nomination (was elected) the year before from the Board that was composed of twelve republicans and six democrats.

Mr. Littleton. The chief point of criticism is, that they have discharged this gentleman without an investigation; the Matron having been discharged at the same time. I wanted to ascertain if there was any reason why you should not vote for his removal, in the same manner that you supported the removal of the Matron. It is hardly worth while to discuss that further.

Do you know anything about the chapel exercises?

A. I have been in several times; they appeared to be very simple.

Q. Do you know whether the President complies with the rules, as to delivering moral discourses?

A. I have never heard any one say anything against it.

Q. Did you never hear that he did not?

A. No, sir.

Q. Do you know anything about the difficulty as to raising the flag?

A. No; I heard the question of Major Smith's loyalty talked of, privately, among some of the members of the Board, and when asked for any particular reason why they said so, I never got what I considered a sensible answer. I never knew anything that would make me suppose that Major Smith was disloyal; I never heard him utter a disloyal sentiment, nor ever knew of such acts.

Q. Did you ever hear him deliver any patriotic addresses to the boys?

A. I do not think that it is his business to do so.

Q. Is it not one of the directions of the Will of Mr. Girard?

A. There is nothing directly in the Will that would require him to give these addresses.

Q. Does not the Will require that the boys shall be instructed in the love of their country?

A. Certainly.

Q. Do you know of any addresses?

A. No, sir, I do not know of any such addresses. I have been in the chapel; he would read a chapter to the boys, and they would say their prayers.

Q. Where did you hear that Major Smith was not the man for the position?

A. I heard that before I took my seat as a member of this Board.

Q. How long ago was that?

A. It was just after I was elected; it was twenty months ago.

Q. Then you heard doubts expressed at that time?

A. Yes, sir; but not by any member of the Board. I have frequently said in the Board [when these things were repeated] why not bring charges? If these things are so, bring charges, so that we can act upon them.

Q. Did you ever hear of any harsh treatment?

A. About two years ago I was told by a Director that a boy had been taken into the chapel while sick. The way I heard of it was, that he either died in the chapel or very soon after he was returned to the infirmary. I then said to a Director, that if such a fact as that could be proven, that I should vote for the removal of Major Smith; and that if there was anything of that kind going on, it ought to be brought to the attention of the Board, and a Committee be appointed to investigate it. It never was brought before the Board.

Q. Did you make any investigation of this case?

A. No; I was waiting for the party who was familiar with it, to bring it up before the Board; It was not my business, and I have not the time to run all over town to inquire about what I heard.

Q. That occurred out here?

A. Yes, sir.

Q. That occurred in this room?

A. This was given to me as a secret thing—it was very private—as something that had occurred. I stated to the member then, that if such was the fact that it ought to be reported to the Board.

Q. Did you ever ask Mr. Smith about it?

A. No, sir.

Q. Or the Nurse?

A. No, sir; never saw her.

Q. Had you anything to do with the preparation of these rules, at all?

A. No, sir.

Q. Do you recollect a remonstrance that was presented by one of the officers?

A. Yes, sir.

Q. Did you ever hear it said that the President suggested that remonstrance?

A. No, sir; I never had any conversation with any person in this institution relative to the President; I always took it for granted that if the teachers were not doing their duty, that the Committee on Instruction would report it, as they have done recently, when we dismissed a Professor here; the President sent in a communication that this Professor was

not performing his duty satisfactorily; the Professor was dismissed, and another was elected in his place.

Q. Did you ever address a question, as to the condition of the College, to any officer of the College?

A. No, sir.

Q. Do you know anything about the condition of the schools?

A. No, sir; one of the teachers has reported this afternoon, and very satisfactory reports from all of them; that is where we expect to get our information from.

Q. But suppose their reports are incorrect?

A. I cannot help that; the Directors are not examining teachers or scholars.

Q. As to the condition of the building and out-buildings; do they need repair?

A. We could not repair them until Councils make their appropriation; there was ten thousand dollars appropriated for that purpose. The matter was brought up in the Board, and it was thought best, in consequence of the insufficiency of the heating apparatus, to ask for a transfer of eight thousand dollars to put in a new heating apparatus; for that reason many repairs, badly needed, have been delayed.

Q. Who complained of the heating apparatus?

A. Well, we had complaints from teachers that the heating arrangements were not good. We always have had that complaint every year. The matter was referred to a special Committee. We have yet to judge whether the new arrangement is as good as the old. We have not had the weather to test it. I judge, from the condition of the room this afternoon, I do not think the new arrangements are going to be any better than the old one.

Q. Did you ever hear any reports before this afternoon?

A. They have been presented; never read before. It was an old rule of the Board; like a good many rules, they allowed them to die out; and the Chairman having made that statement, they were read this afternoon. I never recollect of having heard them read before. I am not positive about the reading; I know he has presented the reports, and they were open for inspection.

Q. Do you know who prepared these rules?

A. No, I do not. Mr. Roberts is Chairman; I supposed, of course, he prepared them. I would not like to say that he

did not. I was present when the rules were read to the Committee.

Q. Is it not customary for the Secretary to assist in the preparation of the reports?

A. I do not know; he never assisted me in anything. I suppose that it is customary. I understood at the time that they were nearly the same as the old rules.

Mr. Littleton. The basis was from the old rules. There were some changes deemed necessary at that time.

Q. Did President Allen ever ask you to vote for him?

A. No, sir.

Q. Did he ever seek to induce you to vote for the removal of Major Smith?

A. No, sir.

Q. You have read this bill in equity?

A. I have read it.

Q. Did he ever urge you to make that removal?

A. No, sir; he never called upon me.

Q. Did he ever call upon you?

A. No, sir; I never had any conversation with him in reference to the removal of Major Smith.

Q. Did you ever write any articles for the newspaper upon that subject?

A. I gave one article, containing the vote by which the resolution was adopted, and that was the second day.

Q. Were the proceedings generally reported?

A. No, sir; I did not report it here until I got that from Mr. Conrow next day. As I told you, I had gone away, and requested that my vote should be given in the negative, and had the consent of the Board; I went home. The next morning I heard how the thing had resulted. Did not hear that night, and it was then all over town and in Councils, and the members were talking about the removal. Then I went to the Secretary's office. He being absent, Mr. Conrow gave me the names, and I took it in the line of my business, as being a public thing.

Q. Did you ever have anything to do with the editorials?

A. No, sir.

Q. Were you present at the caucus at Henry Simons house, to take into consideration the removal of Major Smith?

A. No, sir; we never had such a caucus. We had a caucus to remove the Steward and Matron. Nothing was

said to me about Major Smith as to his removal, officially, up to the time of the offering of that resolution, to my knowledge. There may have been others that heard it; I did not.

Q. Is it your opinion that it is for the interest of the College that Major Smith should be reinstated?

A. I should certainly vote for his reinstatement, if there was a reconsideration. I should do so until he is proven unfit for the place. If this Committee come to that conclusion, I shall certainly vote for that reconsideration.

Q. This Committee will want some evidence upon which to base their action.

A. You cannot base it upon my opinion; you must base it upon my testimony, not what opinion I may have of Major Smith.

I would like to state, in this connection, with reference to the House of Refuge. I do not know whether that has been given to the Committee, or not. They refer there, in that statement, signed by these gentlemen, about boys being sent to the House of Refuge, without particularizing a case that occurred just after I became a Director of the College. Two boys were charged with having set fire to some clothing in the closet, and also to the bedding; I think it was in their room; and the President of this Board and of the College consulted with Mayor Henry and Fire Marshal Blackburn upon the subject, and they came to the conclusion that it would be better to send them to the House of Refuge than it would be to have them arrested for arson, and sent to the Penitentiary.

This was reported to the Board, and the Board approved of their action, and afterwards a bill was drawn up, to go to the Legislature, to give authority to this Board to send boys to the House of Refuge, which I opposed at the time, and the bill was never passed; but in that case it was the advice of the Mayor, as well as of the Fire Marshal, that the boys should be sent there. Those are the only two that I am aware of that have been sent to the House of Refuge; at all events, the only two since I have been connected with the Board.

Q. I asked you a question in reference to Mr. Simons' house, the caucus that was held there; was it not before Mr. Rhoads and Mr. Remsen were members of the Board?

A. No, sir; they were members; I never attended a caucus after these gentlemen were elected; I supposed that when they were all Republicans that no caucus would be needed.

Q. Did you know of any caucus being held?

A. I know this, that when the first resolution was brought up, and I supposed it would go over until September, I said in the meeting that they had held a caucus, which they denied, but admitted that they had held a consultation.

Q. You stated in that article that they had a caucus?

A. No, sir, I never said so: I say this, that at the time that that resolution was offered to remove the Steward and Matron, I got up and charged them with having held a caucus to carry that thing through; at that meeting they denied that they had had a caucus, but said that they had consulted together; they said that at the meeting here, they could have consulted in one corner of the room; I know they did not consult me.

Q. Was not there a caucus afterwards to take into consideration his successor?

A. Not to my knowledge. I have never known of a caucus since; the Board was entirely Republican. If there was a caucus it has been with certain members, and not with me, and these resolutions have been offered to the Board without any previous knowledge upon my part; the other members will answer for themselves; I can only answer for myself.

Q. Has the President not frequently reported the condition of the lavatories to the Board?

A. Yes, sir; he has called the attention of the Board to it through the proper Committee, and he called my attention to it, that it needed repairs, only a short time ago; we have been nearly a year in getting a floor in, and then only patched it up at that, because of the want of money. He has frequently called attention to the need of things here, but we had no money to expend for that purpose. The rule is to ask if there is money to that item; if not, we postpone work until there is money.

Mr. Wagner. Did he call attention to it in writing, or verbally?

A. I think he called attention to it in his monthly reports, that they needed repairs.

Mr. Littleton. Did he ever report the condition of the privies?

A. Yes, sir; that was two years ago; not since then, because they were thoroughly cleaned at that time. Before the last six gentlemen came into this Board there was a contract entered into, and they were reported to the Committee on Household, and they took action with reference to the matter, and they directed the Chairman, Mr. Boswell, to have it done, and he made a contract with somebody down town, and he reported that the work was thoroughly done; that was only two years ago, and of course they cannot be in a very bad condition.

Q. Do you know of the two boys who were sent to the House of Refuge for having false keys in their possession?

A. No, sir; I know they were reported, and some action taken, but I do not know of their being sent to the House of Refuge. Mr. Foust reported the case, and reported the boys being very bad.

Q. On the 4th of July, 1865, did you hear the President deliver an oration to the boys?

A. No, sir.

Q. Have you any knowledge of a caucus for the purpose of removing the Steward, Matron and President?

A. Yes, sir; I was there two years ago—well, it is more than two years ago—it is more than that, because it was an adjourned meeting of a caucus from Mr. Simons' house, and we could not agree about the Matron or Steward either.

Q. The subject of the President was included?

A. No, sir.

Mr. Franciscus. I merely ask you in connection, to correct the notes; you said there was a caucus held?

A. There was a caucus held.

Mr. Littleton. Were you present at any meeting at all, when these rules were adopted?

A. I think I was present when the rules were read; the Chairman called the Committee together; that was in Fifth street; and the rules were read.

Q. Was the President consulted before these rules were adopted?

A. I think not.

Q. You know nothing of the work of the Committee in completing these rules? They were complete at that time?

A. No, sir; I was only a member of the Committee; I

only speak of them of my own knowledge; I do not know whether the President was consulted.

Mr. Franciscus. It has been stated that a boy was taken from his sick-room and died shortly afterwards; do you know anything about that case?

A. No, sir; I stated that all I knew of that case, that a member said that such a case had occurred, that he had been informed himself; he said if such a case as that had taken place, it ought to be investigated. I told him certainly, that it ought to be investigated, and if he knew the facts he should report it to the Board, and if proven, I should vote against Major Smith. That is the last I heard of it until since this investigation has taken place, and then I understood that there was some investigation. When the rules were adopted by the Committee and brought up before the Board for discussion, Mr. Heaton made a motion, and suggested an alteration. I think the alteration was made; I forget now what it was; Mr. Heaton will be able to tell you all about it.

Mr. Cattell. In your estimation, who is to see that the Steward and Matron perform their duties?

A. Well, I stated before I considered the President has the general supervision of all these departments, and he generally reports.

My idea of the management of the institution has been, that the Matron has entire and sole charge, according to these rules, of the household. It is her business to see that they are kept in proper condition; and the Matron has been in the habit, during the last year, of sending a communication nearly every month to the Board or to the Household Committee, of things needed and of the condition of the house. The Steward purchases everything that is used in the place, and is responsible to the Board for his purchases. His bills are presented here; they do not go to the President; they come here and are examined, and we expect him to buy everything and buy at the cheapest rate, and good articles.

Q. I want to get your idea what his supervision is. You say that these officers are under the supervision of the President; what does he supervise?

A. His duty is to report to us, if the officers neglect their business in any particular.

Q. How can he report to you?

A. In writing.

Q. How is he to know?

A. He passes through and looks.

Q. That is what he ought to do?

A. And what he has done; he reported to this Board over and over again; he makes a monthly report.

Q. Do you think it is his duty to investigate every department, and see that the heads of departments are doing their duty?

A. The Steward is made almost distinct from the President. There has never been settled (the point) who has authority; the rules do not so say. Nearly a year elapsed after the present Steward was elected, before he made his report, and the President reported to the Board his neglect to so do.

Q. Is it not the President's duty to see that the report is correct?

A. Certainly; I have never heard anything to the contrary, and I have yet to find that he has neglected that duty; and as I stated, there has been no charge that he has done so, at least there is no charge upon the books of anything of the kind.

Q. Do you know whether the President has complied with rule eighth?

A. I know nothing to the contrary.

Q. As a Director of the College, is it not your duty to know that he has done it?

A. It is not my duty to say that I know different from what I do know. I have no knowledge but what that duty has been carried out.

Q. How often have you visited the College?

A. I have stated, two or three times, that I had been to the infirmary two or three times, to see to the heating apparatus also.

Q. Then I do not suppose that you do know whether he has attended to the duty or not?

A. I suppose he has attended to it; I have heard no report to the contrary. Members or individuals may conceive what is to be their duty, others may conceive another line of conduct to be their duty.

I have always attended to the meetings of the Board and of the Committee; have more or less listened to everything that was presented to the Board through its proper officer.

I have never felt it to be my duty to know any individual at this institution ; never recommended anybody here, and never had any interest with anybody at this institution. I suppose that the Chairmen of Committees, particularly that of Household, who has been a Director here for sixteen or eighteen years, I think it was his duty to have reported to the Committee, if there was anything wrong in the institution ; and whenever there has been a charge made of any kind, I have always felt it to be my duty to see, as far as I could, whether it was so or not.

Q. Have you ever been invited to go around and visit ?

A. I have never been at any Committees except the ones that I spoke of. I have never been invited to their meetings.

Q. There has been charges made that the President has been neglecting his duty. I want to get at it whether it has been so or not ?

A. As I before stated, I believe the Directors ought to be men who could devote to the duty more time than I can. I came here without knowing what duty I had to perform ; of course I could not know until I got here. I make my living by my labor, and I conceive that I have discharged my duties. When I attend a meeting, I do all I can to prevent the institution being imposed upon by any man.

Q. Have you seen the condition of the water-closets lately ?

A. No ; I stated two years ago they were cleaned out by contract.

Q. I spoke of the water-closets in the main building.

A. We have no water-closets in the main building.

Mr. Franciscus. Has the President ever complained of the neglect of duty by the Steward ; his not rendering correct accounts of the property under his charge ?

A. The President reported, several months ago, that the Steward neglected to make his reports, as the rules required, and the Board adopted a resolution requiring him to make his report to the President ; and it is always submitted with the President's report at the present time.

Q. It has been given in evidence that the President was an indolent man and a lover of ease ; can you give us any information upon that point ?

A. I cannot. He always seems to be an active man in his movements. I have heard that said among the Directors.

I have heard many things said outside about the President and about the College, which I do not feel called upon to pay any attention to. I have heard so many things.

Q. Has it ever been brought to your knowledge, the fact of any cruel treatment to the children?

A. No, sir. The reports of the Chairman on Discipline will show the cases of absconding; and the question has sometimes been asked, why such a boy had been whipped, and a member of the Board would get up, and the matter has been explained at the time, and that ended it, as I supposed.

Mr. Cattell. Do you know anything about the boy that had his feet frosted?

A. I never heard it said here.

Q. Do you know anything of that case?

A. No, sir. I heard a member, at one of the meetings of the Board, get up and commence telling of some mother of a boy, that had been to his office, telling him a lamentable tale. He added, that he did not report it as a member of the Board, or as Chairman of the Committee. He only related what the mother of one of the boys had told him. I know last summer, on coming out to this institution, I was met by a gentleman in the car. He said, "I am told the boys are in a dreadful condition in the College. I have been informed that they are dirty and ragged." "That is strange," I said; "I see them every time I am there." And when I got to the College, the boys were going into the chapel; all had blue clothes on; there was not a ragged boy in the lot. They always seemed cheerful and well clad. The Chairman of the Household Committee buys the clothes, and reports whenever they are needed. He generally makes all the purchases. It is referred to him because of his being an old member of the Board.

Mr. Harper. I thought it was the duty of the Steward?

A. No; the Matron makes her requisition, that such kinds of goods are needed for clothing for the boys, and that requisition is referred to the Chairman of the Committee on Household, with power to act; and all the purchases have been made by the Chairman, and sometimes made before they are reported to the Committee.

Mr. Harper. Is it not the duty of the Steward, under the rule, Section 5, to make these purchases?

A. Well, he makes all the purchases, except clothing; he

buys all the vegetables and meat, and food necessary for the institution.

Mr. Franciscus. Does the Chairman of the Committee on Household purchase the bedding?

A. There has been no bedding purchased that I am aware of; I do not recollect of any requisition for bedding; I have heard nothing about bedding; I have heard about bed clothes. The Matron that just went out sent a requisition for a good many things, and the communication was referred to the Chairman; and I have heard nothing from it since.

Q. You do not know why the bedding has not been replenished?

A. No, sir.

Mr. Cattell. Were you present when there was any complaint made?

A. No, sir.

Q. You was not present?

A. I have been present at nearly every meeting, I believe, with the exception, I think, perhaps I was not present at one meeting since I have been a member of the Board; during that time I do not recollect of a complaint of cruelty.

Q. You have never heard any complaint?

A. Not in my official capacity.

Q. The question was whether you had ever heard any complaint, either in the room or out of the room, of any hardship on the part of Major Smith?

A. No, sir; because it was almost as if we were two parties—not as if we were all one political party—and when questions came up I have never had a consultation with any one upon any subject brought up.

Mr. Cattell. Some of the Directors said they did report such matters to the Board?

A. I never heard any; they got up and stated the facts connected with it, and generally it was found to be a trifling case; that they had heard so and so about a boy. The President of the Board generally gave us the facts about these cases; and it is easy, as you are aware, for a man to get a kind of prejudice, if he listens to a great deal of that conversation.

Mr. Littleten. Do you recollect of Mr. Foust complaining of the lock-ups?

A. This last winter, it was said there was no fire in the

look-ups. Well, that matter was explained. Mr. Foust made a report; there was no action, because the explanation was considered satisfactory.

Q. Was Article 13 adopted, as reported?

A. There was a good deal of discussion; I do not recollect.

Q. Do you recollect that it was reported differently?

A. It strikes me it was reported differently.

Q. These rules were adopted by the Board?

A. Yes, sir.

Mr. Harper. I wish to ask you one question more. It states in one of these rules, in speaking of the duties of the Steward, that "he shall see that the yards and out-houses are kept clean;" what do you think that these out-houses mean?

A. I suppose it means privies, and all that kind of thing.

Q. That is his particular and personal department?

A. Yes, sir.

Mr. Coleman recalled:

In reference to a question asked me about a caucus, whether the removal of Mr. Smith was considered; I understand a second meeting was held there, which I did not attend, in which that subject was introduced; I did not recollect of its having taken place while I was present; I understand the matter was introduced at a subsequent meeting. It might appear as if I knew about it; I only want to stand right.

Christian J. Hoffman recalled:

I gave the reasons why I opposed the removal; one was, that I believed Major Smith qualified; and the other was that there had been no official reports charging the Major with any dereliction of conduct or incompetency. Now, sir, I find in this book [I have not the red, but the stone-colored one,] that our by-laws make the Committees responsible; I, of course, stand ready to bear my part of the blame of not doing my duty, as there is much that I have left undone that I ought to have done.

First. I say the Committee on Discipline have made no reports officially; we have not had any reports. I was absent some six months or more, last year. "The Committee on

“Discipline and Discharge of pupils shall have supervision of the moral influence of each individual connected with the College. They shall watch over the moral development of the orphans, discouraging everything likely to be injurious, and promoting that which they think of a tendency favorable to implanting the purest principles of morality in the youthful mind, and rendering it practical, so that the orphans may, from inclination and habit, evince benevolence towards their fellow creatures, and a love of truth, sobriety, and industry.”

Mr. Littleton. Have you read Rule 10?

A. I am reading by-laws for the government of the Directors.

Q. Were those adopted by the Board of Directors?

A. Yes, sir; you will remember the by-laws were the original by-laws of the College.

Mr. Wagner. These were for the government of the Board of Directors?

A. Yes, sir; and the others were for the government of Girard College. It goes on:

“They shall watch over the extent and influence of the administration of discipline, conferring with the President, Matron, and others, as to the best system of rewards and punishments, so as to present the strongest incentives to virtue, and the most effective restraints from vice, reporting to the Board the case of each boy who may from misconduct have become an unfit companion for the other orphans. They are to aid the President with counsel as to the character and extent of the religious instruction of the College. The Committee on Discipline and Discharge of pupils shall attend to the discharge, removal, and indenturing of all pupils whose terms of instruction shall expire, or who, from other causes, may cease to be connected with the College. They shall indenture such boys as the Board of Directors may direct to be bound out, to such suitable trades, and to such masters as they may select, with the approval of the Committee on the Girard Estate.”

“They may permit any of such boys to go upon trial to suitable persons who may make application for them as apprentices, for a period not exceeding one month.”

That latter part I will say the Committee sustained; when-

ever they found a boy unfit they reported him, and, of course, the Board expelled him.

First, my reason that everything was going on right, I looked to these Committees to inform me. The records you can examine for yourself.

Now, if they, as I said before, have not informed me, then I will say they have not done their duty.

"The Committee on Instruction shall report to the Board of Directors on the competency of all persons whose names shall have been presented, etc., etc. [EX. FROM DIGEST.]

The Committee on Instruction, I would say, always reported favorable, and I have leaned upon them for information.

Now, so far as the Committee of which I am a humble member, *goes*, I admit there is much that I have neglected, and we have laid much of the duty upon the Chairman.

16. "The Committee on Household shall have the general supervision of the domestic arrangements of the College buildings and grounds, so as to promote cleanliness, comfort, health and economy therein, having especial care of the physical developments of the orphans. They shall direct all needful repairs of the building and furniture; all purchases of supplies for the use of the household, furniture, food, fuel and clothing, shall be made with their sanction, provided they do not exceed for these purposes the appropriation made, from time to time, by the Board of Directors. The Committee shall report to the Board of Directors on the competency of all officers whose names shall be presented to the Board to be employed on the College premises, in the various departments of the household. They shall have the general supervision of the labor and conduct of the other persons employed about the grounds or in the household, and may suspend any of them from duty, until the action of the Board of Directors can be had upon the complaint on which the suspension is founded."

These rules are what I have been working upon. I admit that I have neglected my duty.

10. "The following Standing Committees, to consist of six members each; shall be appointed by the President, viz: Committee on Accounts, Library, etc., etc., etc."

11. "These Committees shall meet as often as they may deem expedient, and shall keep a record of their proceedings, which shall be kept open at all times to every member of the Board, and of the Select and Common Councils; and these records shall be produced at each stated meeting of the Board, and read."

12. "The President of the Board of Directors shall be *ex officio* a member of each Standing Committee, and any member of the Board of Directors may be present at meetings of any of the Committees, but without participating in the proceedings of any, excepting his own Committee."

The records have been read once a month. I also state that I considered that members of Councils, upon Committees, were to meet with us and investigate, once a month. I look upon that Committee, as upon a Committee upon a bank; that they could come in and demand possession when they are not prepared, and not come upon them when they are prepared.

You are to report, and to you I look. The ordinance providing for a Special Committee of Councils.

AN ORDINANCE

Providing for the appointment of the Standing Committee of Councils.

"And be it further ordained and enacted by the authority aforesaid, That the members of Select and Common Councils shall constitute a Standing Committee of Visitation to the Girard College for Orphans, and the President of each Council shall, immediately after the passing of this bill, and annually thereafter, on the organization of Councils, divide their respective Councils into twelve Sub-committees, of twelve members each; six of whom shall be of the Select and six of Common Council, and who shall serve for one month, in the order in which they are constituted, as aforesaid. The said Sub-committees to visit Girard College for Orphans at least once in each month, and examine the condition thereof, and report the same to the Standing Committee of Visitation, or to Councils, at their discretion, at such times as they shall deem expedient." Passed July 3, 1854.

That is what I founded my opinion upon, and I want it incorporated in my answer. I have not examined it (the College

affairs) as carefully as I should have done, had I not depended upon this Committee, who were to visit the College once a month.

Q. Do you mean that the whole of Councils is one Committee?

A. They can either call it, together or separately. Now, I have hunted in vain, and have never heard of but one report, and I beg leave to read it.

You will find it in Journal of Select Council for 1866, vol. 1, Appendix No. 146, page 394.

“ A P P E N D I X N o . 1 4 6 .

Philadelphia, May 17, 1866.

To the Honorable, the Select and Common Councils

of the City of Philadelphia.

The Joint Monthly Visiting Committee of the Girard College respectfully report: That they attended at the College on the afternoon of the 16th inst., and were kindly received by the President of the Board of Directors, the President of the College and the officers of the institution, and every desired information cheerfully accorded them. The Committee visited and inspected the several class rooms, saw and heard the boys at their various exercises, and were much gratified at their neat and well-clad appearance.

There are but few cases of sickness considering the population of the College, numbering nearly 500 persons, and none of these of a serious character.

After proper religious ceremonies, which were simple and of an impressive kind, the boys were permitted to resort to their play-grounds, where, until tea-time, they took abundance of physical exercise in the fresh and bracing air. Everything in and about the College was in neat condition, and the system of government seemed to work well. It is not possible for any one who does not visit their noble institution to conceive the vast benefits its benevolent founder intended to and has conferred upon the orphan children of our great City and noble Commonwealth.

Before leaving the College, the Committee and several gentlemen attached to the Thirteenth School Section, who were present for the purpose of looking into the mode and manner of instruction, partook of a light repast, gotten up

by the Board, which exhibited a feature of economy in this particular, highly to be commended, and should be permanently continued.

JAMES PAGE,
ENOCH TAYLOR,
WILLIAM PALMER.

I was absent from the country at that time. I have been a member since 1865. This it was upon which I based my opinion. I never had a talk with Major Smith or anybody else. I base my conclusions upon this, and not upon anything that has occurred since the gentleman has been dismissed. I knew of this and had it all before me. Then I did not think it worth while to present it. I have got it here for you, I only want to satisfy myself.

Mr. Cattell. Were you present at a caucus, or meeting of the Directors of Girard College held somewhere in the neighborhood of two years ago, at which the question of the removal of Major Smith was considered?

A. I was present at that caucus, and the only ones spoken of to be removed were the Matron and the Steward. At one of the meetings the subject came up, [in reference to an able-bodied man as a Messenger.] Some person spoke to me of a man with an arm off. He came highly recommended. I desired to dismiss the able-bodied man and put in this one-armed man. I was present at this meeting, and the matter of Major Smith's removal was never discussed.

Mr. Littleton. When were these by-laws adopted?

A. They have been adopted for a long while.

Q. Can you tell the date?

A. No, sir.

Q. When were these rules adopted?

A. I did not read any rules, only by-laws of the College.

Q. Do you know of the adoption of such a rule as this?

"Resolved, That the operation of the rules adopted April 8th, 1867, is to be suspended immediately after the inauguration of the President of the College?"

A. No, sir, the by-laws and these rules are different.

Q. What are the duties of the President of Girard College?

A. They are laid down in these rules, and if three different parties have the same duties to perform, I suppose that they will perform it.

Q. Did the President get paid ?

A. Yes, sir.

Q. Do the Committees get paid ?

A. No, sir. But if we accept the position we should perform the duties. I admit I have not altogether done my duty.

Mr. Cattell. I never knew that there were such rules.

Mr. Littleton. Do you not think the President has entire and whole supervision over the College ?

A. Certainly.

Q. This rule that he shall have particular charge over the moral culture, does that apply to him ?

A. Yes, with the Committee.

Q. Without the Committee is he not bound to see to that ?

A. Certainly not, without we do our duty there.

Q. It says : "He shall see all the apartments and out-buildings are kept in good order." Do you think that it is his duty to do that ?

A. It is his duty, certainly.

Q. Is he not paid for performing that duty ?

A. Certainly he is.

Q. "He shall give personal attention to the food ;" is not that his duty ?

A. Certainly it is so, and it is our duty so far as the by-laws are concerned.

Q. In this ordinance, in speaking of the duties of the President : "He shall be the Chief Executive, etc., and be paid quarterly." Are not the by-laws superior to the rules of this Board ?

A. No, sir. We have made our by-laws in conformity to that law.

Q. There is no doubt but that is his duty ?

A. Yes, sir ; and I believe he has fulfilled them ; the Committee has never reported otherwise ; to whom else could an humble member go to insure a conclusion.

Q. How many of the Committee on Discharge voted for his removal ?

A. That I cannot now remember.

Q. If you had been satisfied, at the time the resolution was offered, that Major Smith was incompetent, would you have voted for his removal without asking for charges ?

A. No, sir, I could not ; I answered that before.

Q. Did you not think that the removal of the Matron was proper?

A. No, sir.

Q. Was there any objection made to her removal?

A. No, sir; there was no necessity, and the Matron's office I consider as a very different office from that of the President, and the Matron had been before the Committee on Household, and the matter had been talked over and over again in the Board, before which she has been for incompetency, as well as the Steward.

Q. There would be a necessity of an investigation if you thought him incompetent?

A. To give him a hearing; yes, sir.

Mr. Wagner. What was the necessity of an investigation?

A. What right had they to say until they had heard Major Smith?

Q. The resolution provides that he shall hold the position during the pleasure of the Board?

A. I answer that I admit all this; we still had no right to turn out Major Smith, or you or anybody else, until they had a hearing.

Q. Do you not think, after having a charge, you could arrive at that state of facts without an investigation?

A. No, sir; I should be very sorry if I thought so.

Q. Do you think it is for the interest of the College that Major Smith should be reinstated?

A. I answer that by answering two questions. After what has occurred I certainly should not think it is for the best interest of the institution, and more so, would deprecate the action as not being for the interests of the College to place Mr. Allen here, after what has occurred.

Q. Do you know anything about Mr. Allen as to his competency?

A. I believe, sir, if you will refer to the records, that Major Smith will compare with Mr. Allen, and under the circumstances I would deprecate it that either of the gentlemen should be replaced.

Q. Do you know anything about Mr. Allen of your own knowledge?

A. No, sir; nothing but what the records state; I have heard enough, although I do not give hearsay, and I do not consider it has anything to do with the question; I go to the

written record, and that is all, and if we would confine ourselves to that we would get through much sooner.

Mr. Franciscus. I object to comparing Major Smith with Mr. Allen.

Mr. Littleton. I asked nothing as to Mr. Allen; I asked a question which we have a right to know, whether it is, in his opinion, for the best interests of the College to have him (Major Smith) reinstated; I think we have a right to have an answer to that question; if he is not willing to do so, he can say so.

A. I asked whether I should answer two questions by answering one?

Mr. Littleton. I have no objection; the question was raised by another member.

Mr. Franciscus. I urge my objection; I think it is not properly what we are here to investigate; we have nothing to do with President Allen; we have nothing to do with asking whether he is, or is not, in favor of reinstating; I think that it is entirely out of the way.

Mr. Harper. I entirely agree with the gentleman from the Tenth. What business have we to ask, whether he thinks it is to the interests of the institution that President Smith should be reinstated. That is not the question we have come here to examine at all.

Q. Mr. Littleton. What question have we been called here to examine?

A. We have been called to examine three or four resolutions. First, as to the resolution of removal, and then the resolution looking to the whole management; I contend we have everything before us. I ask for the reading of the resolution.

Mr. Cattell. I think there is no necessity for that.

Mr. Harper. You stated in your evidence that you had neglected your duties?

A. I feel so, that I have in many instances neglected it, as many of us have.

Q. You stated also that others had neglected theirs.

A. I have, sir; there is not a member of the Board that has lived up strictly to the letter of the law, and I suppose that most everybody else will say the same.

Q. Do you think the President has neglected his duties?

A. I don't think he has, so far as my knowledge goes.

Q. Do you think him competent?

A. I think he is.

Augustus Heaton, affirmed.

Q. Chairman. You are a Director of Girard College?

A. Yes, sir.

Q. You will be kind enough to give your testimony.

A. I would prefer that questions be put to me. The first question would be as to why I voted against the dismissal of Major Smith. I did so because I thought the Major to be a competent and faithful officer, and I think so still. I thought at the time that the act was in violation of the best interests of the institution; I thought it to be in violation of his rights as its President. I know it to have been in violation of the ordinary courtesy exercised in boards of direction towards a minority, and not a factious one either. These were my reasons for opposing the action.

Mr. Harper. Is that all?

A. I possibly might say more; I have never attended one of these examinations, and I hardly know what I have been called upon to say.

Q. Mr. Harper. I would like to ask you whether any resolution of inquiry was ever offered as to the management or exercise of discipline, under the President, as to the management of the College, during your continuance in the Board?

A. I do not remember ever to have heard any such resolution.

Q. Was there ever any report made, or resolution offered, by any Committee, or by any Director, as to the management or the discipline of the College?

A. There was a report made of these rules.

Q. Has that anything to do with the management of the College?

A. I know of nothing else.

Q. I wish also to ask you whether the Committee on Discipline and Discharge, composed of Messrs. Foust, Haines, and Rhoads, ever reported any exercise of discipline of which they complained, in regard to the President?

A. Up to the time of the dismissal I never heard the slightest complaint against him from that Committee.

Q. Have you ever heard anything about these cases of cruelty, about which so much has been spoken?

A. Up to the time of the dismissal of Major Smith I had heard nothing; I have never been called upon by mothers or next friend, of any boy in this institution, making any such complaint, and officially I know of no cause for such complaint.

Q. Did you see Mr. Allen shortly previous to his election, or to the change?

A. Yes, sir.

Q. Had you any conversation with him relative to the Presidency of the College?

A. Yes, sir.

Q. Will you state what that conversation was?

A. I think it was on a Monday, preceding the Wednesday, when this action took place; on going to my place of business, I saw a piece of paper upon my desk, with the name of Professor Allen upon it; my partner remarked to me that a gentleman called, and that he seemed very anxious to see me, and he had inquired who it was, of the bookkeeper, and he was informed it was Mr. Allen; I had not seen him for a number of years, and he regretted very much that I was absent. I think it was the next day—perhaps the day after, it may have been the next day—or, I think it was the same day, on returning to my store, I found Mr. Allen there, in waiting, being the second time that he called; finding me out on his second visit, he stayed there until I returned; I met him very kindly, as I had been his firm and fast friend in this Board some years before, and we had a general conversation of matters personal to himself, until he said, accidentally, as it were, “How are things progressing at the College?” I said, “On the whole, favorable. In an institution of that kind, where there was so many employés, of course there was sometimes some conflicting interest; upon the whole, we are doing very well.” He said, “I have been asked whether I would take the Presidency again.” I replied that “I always enjoyed myself there, it was a pleasant home for me.” Then he stopped. I said to him: “It was hard, sir; I was instructed by some of the members of the Board, some time ago, to open a correspondence with you in relation to the Presidency of the institution, but I ascertained that the ground upon which the resolution was based was not tenable, and I never took any action in the matter; however, sir, if there had been a vacancy, and you

had been nominated, you would have received fifteen out of the eighteen votes, if not the entire vote of the Board."

I mention this to explain, so that the Committee will understand the whole conversation. He said, "Now you have introduced the subject," which struck me at the time as peculiar. "Now you have introduced the subject, I will say that if the vacancy should occur there, and I should receive a liberal majority—not a bare majority—I would take the place."

I then said to him, "Mr. Allen, you know what my relations with you have always been; Major Smith was called from his place in the army; resigned his position and accepted this in good faith. He has performed the duty, so far as I know, faithfully; and although my feelings for you are of a very warm character, still I could never vote for the removal of Major Smith without a cause."

He said, "you do perfectly right;" and shortly after that he rose and left me. I think that was on Tuesday; it may have been Monday; it certainly was on one day or the other. On the following Wednesday the resolution was introduced to the Board here, dismissing Major Smith.

The resolution was offered by Mr. Haines, without any remark whatever to sustain the motion; waiting for a few minutes, expecting some one to get up in reply and defend the resolution, or assign some reason for it, one of the members who voted for it called the question. I arose and said, "Gentlemen, it is not possible that you mean to press this question to-day; one of such vital importance as the dismissal of the President? I then asked them for some reason; stating that if there were cause for the dismissal of the President I wanted to know it, because I wanted to vote for his dismissal also, and I could not vote without knowing something about it. I asked for charges. Several others asked for charges; and the only real reply made by one of the ten, who said, "If we postpone it we will not be able to carry it." The day the vote was taken, I felt impressed with the idea that Mr. Allen had called upon me, (and I very much regret to say it,) to influence my vote. I have that impression still.

Mr. Harper. Was there anything said by you to Mr. Allen about the prospect of their being a vacancy.

A. No, sir.

Q. In the communication that was published in the various

newspapers, to which are appended the names of the various Directors, and which probably you have seen, occurs this statement: "And because abuses have existed in the treatment of orphans, which the public have never suspected, and which the Directors have vainly sought to change in any other way." Did you ever know of any of these abuses?

A. No, sir.

Q. Did you ever know of any effort made on the part of these Directors "vainly to change" the treatment?

A. The first knowledge I had of it was on reading that publication.

Q. Then you never were aware of any of this cruel treatment we hear charged upon the President?

A. Not up to the time of this vote, sir. I have heard a great many charges submitted since and up to that time.

Q. Have there been regular charges brought before the Board since?

A. Well, I cannot say, sir. There has been a good deal of conversation on the part of the gentlemen.

Q. In a regular way?

A. I believe not.

Q. No resolutions offered?

A. I think the records show none.

Mr. Harper. I wish to ask you some questions in relation to these rules. These rules were adopted for the government of the College, September 26, 1866. I believe they are entirely independent of the by-laws, which are for the government of the Directors, are they not?

A. Yes, sir.

Q. One of these rules states particularly the duty of the Matron:

SECTION XI., No. 2: "The Matron shall supervise and direct the whole domestic economy of the establishment; she shall watch over the manners, morals, and habits of the pupils; she shall give personal attention to the food, clothing, lodging, cleanliness, and health of all the members of her household; she shall see that all the apartments and offices connected with the dwellings, or used for the purposes of the household, are kept clean and in good order; she shall frequently visit and inspect the pupils in their section rooms and lavatories, and by frequent mingling with the pupils during the hours of study and recreation, she shall

“endeavor to inspire them with love for, and confidence in her, so that all the troubles and hopes of childhood may be communicated to her as they arise, and may be the means of instilling valuable lessons, and of forming correct and virtuous habits; she shall attend to the preparation of the outfits and clothing of the pupils, when they are about to leave the institution on trial, or to be indentured.”

Now, sir; I wish to know whether, [after hearing that rule in relation to the Matron,] you consider it the duty of the President to see that these things are carried out?

A. Yes, sir.

Q. Do you consider it his duty to go into the Barber shop and inspect the heads of the pupils to see whether there is vermin in them?

A. I think the duty of the Chief Executive Officer covers every duty.

Q. You understand that it is general supervision?

A. Yes, sir.

Q. You do not pretend that he shall go into all the details?

A. It would be an impossibility to do it.

Q. Certain duty is put upon the Matron?

A. Yes, sir; according to these rules.

Q. Is it not the duty of the Matron to report in writing to the President once a month, concerning the department under her care.

A. I believe the rule requires it.

Q. Do you know whether she has done that?

A. I do not.

Q. Do you know whether the Matron who was dismissed at the same time that Major Smith was, was competent to fulfil her duties?

A. I was convinced to the contrary long before she was dismissed.

Q. Was there ever any complaint made about her?

A. My opinion was governed by a personal inspection of the building that she had control of. I made up my mind from personal observation. I often conversed with other members of the Board, and they generally accorded in that view of the case, that she was incompetent for the position.

Q. You do not know whether it has ever been a matter of inquiry by any Committee?

A. No, sir; I have never heard that it was.

Q. There has been something said about a boy whose feet were frozen : do you know anything about that ?

A. I know nothing about that I think that occurred before I came into the institution the last time. I think it is more than four years ago. I never heard of it until after this action.

Q. The matter was never brought before the Board ?

A. It may have been, I never heard of it until after the dismissal of Major Smith.

Mr. Littleton. What did Mr. Allen say to you, that induced you to believe that he called to ask your vote for him as President of Girard College ?

A. Well, if a gentleman were to call upon me, and ask me if I had \$500 over, I should suppose that he wanted to borrow it, and if I were to say no, I should feel authorized to say that he had applied to me to borrow money ; just upon that basis I had the impression that Mr. Allen solicited my vote.

Q. I ask you ; Did he ask you in express words ?

A. No, sir.

Q. It is simply an inference of your own ?

A. He stated that he would accept the position if there was a vacancy.

Q. You had been a Director when he was here before ?

A. Yes, sir.

Q. Would it be a remarkable thing if he were to inquire of you as to the position ?

A. No, sir.

Q. Did he say anything to induce you to vote for the removal of Major Smith in any way whatever ?

A. I have given the conversation I had with him.

Q. It has been charged in this bill in equity that he has tried to induce such action ; so we would like an answer. The question has been asked ?

A. Well, when a gentleman informs me that there is a vacancy that he is ready to take, by implication I should think that he had solicited my vote, and would take it.

Q. Did he not say to you after you said that you would not vote for the removal of Major Smith that you were perfectly right ?

A. Yes, sir. What surprised me was, that one of the members of the Board on the day of the election, stated that he

had seen Mr. Allen that day or the day previous, and that he had agreed to accept the position.

Q. Well, do you not think that that being the case, that there would be any impropriety of his stating the fact to you. He might possibly think that you were one desirous of tendering the position, knowing your relation. I am simply asking this question as to etiquette.

A. After what occurred, and after he sustained me in my view as to the impropriety of my voting while Mr. Smith was there, or using my influence to turn Mr. Smith out, he having assented to the question, it struck me as a high-toned gentleman, it struck me as very bad taste to accept the office.

Q. After he had said that, did he say anything to you then?

A. I may state further, That I followed him to the door, and when I reached the door, this conversation impressed me rather more seriously than it did at first, as to the object of Mr. Allen's calling upon me. At first I thought it was friendship, I at last began to conceive it was not, altogether friendship, and I said to Mr. Allen, Mrs. Mitchell is about to be returned to the College. I think the present Matron is not an efficient person at all, and I think Mrs. Mitchell will be returned there. It so happened that Mr. Allen and Mrs. Mitchell were at variance at some time, as you are aware, before I left the College, and I think he did not expect it. His reply to me was, Well, Jane and myself were always very good friends, I believe we could get along, or did get along, I am not certain which word he used, as it was some time ago; and there he left me.

Mr. Littleton. Did you deduce anything from that conversation?

A. Yes; that Mr. Allen would accept the position even if Mrs. Mitchell was elected to the position of Matron.

Q. Was there anything that occurred afterwards?

A. I may state here, that being somewhat impressed with the idea that he was seeking the office, I stated this as a sort of an impediment to him in striving to get it.

Q. Do you think that influenced your vote as to Mrs. Mitchell?

A. Well, the inference was not pleasant.

Q. Did you not think, from your knowledge of the ques-

tion, that his talk was perfectly correct, and that such a desire on his part would be banished from his mind?

A. I would rather not answer that question.

Mr. Littleton. I do not know how we are to get at the matter unless we have answers.

Q. You were present at the time the resolution of dismissal was passed?

A. Yes, sir.

Q. Were you present when the Matron was dismissed, and did you vote for her dismissal?

A. Yes, sir.

Q. For what reason?

A. On the ground of her incompetency.

Q. Were there any charges presented against her?

A. No, sir.

Q. Were any demanded?

A. No, sir.

Q. If you had supposed the President incompetent, would you have required charges to have been presented, without any reference to the merits of the question?

A. If there had been a single opposing vote, or if there had been a single person in this Board who had desired reasons for her dismissal, I would not have voted for her expulsion until those reasons were given.

Q. What I wanted to get at was this: If you had been just as well satisfied of the incompetency of the President as of the incompetency of the Matron, would you not have voted for removal, if there had been no objections?

A. Yes, sir; if there had been no objections I should have voted for the removal; but, as I had said before, if there had been any objection, I should have done otherwise, as a matter of right and justice to that individual who was to be dismissed.

Mr. Littleton. I think the gentleman is perfectly right. Several questions have been asked as to the duties of the President. You are aware of the rule requiring his attention to chapel exercise. Has the President of the College attended to the requirements of these rules?

A. Well, it has been the custom with me to come out here on Sabbath afternoons; though semi-occasionally, and more frequently than otherwise, the President has officiated on such occasions.

Q. Do the rules require him once a month to deliver a

moral discourse? Do you know anything about that, whether it has been complied with?

A. I know nothing about that.

Q. Do you not know that the President has not complied with that rule?

A. No, sir; I know nothing whatever about it. I must confess my ignorance.

Q. Have you never made any inquiries about that?

A. No, sir.

Q. Have you never heard any statements from friends as to the following up of the rule?

A. No, sir. I, for myself, wish to be entirely fair in this affair, and with regard to Mr. Allen's qualifications in the chapel, I always had the most unbounded admiration; and whatever difference there may have been in matters of discipline, or in the educational department of the institution, which I must candidly say I believe were administered to my liking by Major Smith. As for the chapel service, I always appreciated Mr. Allen's services the most.

Q. Did you not think Major Smith deficient in that respect?

A. That is a very difficult question to answer, Mr. Littleton. There is a nice distinction to be reached there, and what some men would consider a deficiency others would not.

Q. Do you not consider that an important part of the President's duties?

A. I do, sir.

Q. Well, now, I would like to have an answer to the question.

A. Well, I cannot say that I consider him deficient. I consider that Mr. Allen was more efficient. That is the nearest I can get to the point.

Mr. Cattell. I hope the gentleman will not press the point.

Mr. Littleton. It may possibly be a delicate point; it is an important point, and to my mind it is one of the most important points; therefore I should like to have as complete an answer as possible.

Mr. Heaton. Well, I have taken occasion to examine occasionally the sermons and addresses that have been delivered by Major Smith in the chapel, and the only possible objection to them was that they were not original. They were the writings of that very competent instructor of youth

in their religious duties, Dr. Newton; and I observed in them, wherever anything like a doctrinal point was discussed, lines were drawn around them, and they were never uttered in the presence of the pupils. Nothing certainly could inspire purer morals, or a higher-toned religious sentiment, than the writings of Dr. Newton.

Mr. Littleton. My question was as to originality. Do you not think it an important part that they should be original?

A. I do not know, sir, that I can say yes to that. If you can find in print better matter, I think you had better select the printed matter.

Q. Then do you not think it would create an impression among the pupils of this institution unfavorable to the presiding officer, if they find that duty delegated to subalterns? In other words, ought not a man at the head of this institution to have sufficient knowledge to inspire a spirit of respect and confidence?

A. He certainly ought to have their entire confidence and respect?

Q. If a gentleman read printed discourses, would that be calculated to inspire that feeling in the minds of the pupils?

A. That would depend in part, sir, upon the performance of other duties appertaining to his position. If he had no other duty to perform but that, then I agree with you, it would lessen him in the esteem of the boys.

Q. You are not permitted to have a minister of the Gospel here?

A. No, sir; I may be allowed to say that Major Smith may have frequently delivered addresses that were original and written by himself. I have not been here but once since last spring on a Sabbath. Once, possibly twice, on the occasion of my being here, he generally read from the books of Dr. Newton, or some other printed volume. He may have written and delivered original discourses which I know nothing of.

Q. Did you ever hear of any?

A. I have heard of them, but not heard them myself.

Q. What is your understanding of this rule? Speaking of the President, Sec. 1, Rule 6: "But he shall, at least once "in every month, conduct the religious services on Sunday in "person, and deliver an appropriate religious or moral discourse."

A. Just as it reads.

Q. Do you think that means an address written by some one else? or addresses prepared by himself?

A. I think it is at the option of the party himself, whether he borrows it or whether he writes it—entirely a matter of taste.

Q. You are Chairman of the Committee on Instruction; do you or do you not, know whether the President complies with the rules requiring his examination of the different classes?

A. I have to speak from hearsay; I know it constructively.

Q. Did you ever hear him examine any class?

A. No, sir.

Q. Has he ever gone through the College with you in any of your visits to the schools?

A. Yes; I have been frequently with him.

Q. Has he ever examined any of the pupils in your presence?

A. No, sir; because I never had the time to devote to it. When I say frequently, I do not mean that has been a matter of weekly occurrence. I have been out here at various times without being accompanied by my Committee, and have passed through the schools with Mr. Smith perhaps three or four times during the year.

Q. Had you any doubts as to his competency?

A. Not after I knew him. When I first came into the institution I was inspired with prejudice against Mr. Smith, which his capacity removed.

Q. You state that the President did examine the graduating class?

A. Yes, sir.

Q. Were you not one of the number who met to consider the propriety of asking Mr. Smith to resign at one time?

A. We did not meet for that express purpose, sir.

Q. Were you not appointed to prepare a letter for that purpose?

A. Shall I state in answer to that question, what occurred? Mr. Littleton. Certainly.

Mr. Heaton. A charge was made against the loyalty of Mr. Smith, at a caucus meeting held at the house of Mr. Simons, by what member I forget, but Mr. Alexander Cummings offered a resolution which was carried, that the Chairman of the Committee on Instruction be requested to open a

correspondence, inviting President Allen to accept the Presidency of Girard College. This was about two years ago. Before taking any action upon the matter, I desired to test the feeling. I had a prejudice against Mr. Smith at that time, which his official conduct has since removed. I came to the College and held a conversation with him upon political subjects, as to his knowledge and reasons why and wherefore. His expressions of loyalty satisfied me that the whole charge against him was entirely groundless, and as the resolution was so expressed that the Chairman of the Committee should settle it; that I mentioned to one or two members that I had a conversation with Major Smith, and found that he was an entirely loyal man, and the result was, that I should take no further action in the matter.

Q. Did you investigate that matter any further?

A. No, sir.

Q. Did you state the subject to him?

A. No, sir.

Q. Was that in reference to raising the flag?

A. I do not remember; I do not remember what the charge was based upon. I think that the raising of the flag was not mentioned at the meeting.

Q. You did not make any further investigation as to that charge?

A. Except sir, incidentally, and I cannot state how it occurred. There was about that time (either before or afterwards,) I forget now which, an application made by Major Smith for admission to the Union League. I was a member at that time and there was strong opposition raised to him on the grounds of this flag, which has assumed so many different phases that I scarcely know where it begins or ends. He passed through that ordeal successfully, and every man on the Committee was convinced that he was innocent of the charge of disloyalty. I subsequently had some conversation with Mr. Smith with relation to General McClellan. He stated to me that General McClellan was a scholar, but he considered him an unfit man to be President of the United States.

Q. Did you ever investigate as to the reason why the flag was not raised at the time of the Gettysburg celebration?

A. No, sir; I did not know that anybody raised their flags. I omitted to raise my own.

Q. Did you ever hear Major Smith deliver any patriotic addresses to the boys?

A. No, sir. It has been my fault that I have not been present.

Q. Do you know of his ever delivering any?

A. I have heard of addresses that he has delivered, and of one address of a very patriotic character, but who it was to or on what occasion I do not recollect. I have not for years been in the City on the 4th of July, I believe with one exception, for thirty years.

Q. You said that nothing had been stated in the Board of Directors as to charges with regard to Major Smith; was not the preamble read?

A. Yes, sir.

Q. Nothing else but that?

A. No, sir.

Q. Have you ever examined the out-buildings and lock-ups of the College?

A. No, sir. That is the duty of the Steward of the College.

Q. Is it not also the duty of the President of the College to see to it.

A. As chief executive officer it is his duty to superintend, as I said before.

Q. Mr. Heaton, in your opinion, since all these proceedings have taken place, would it be to the interest of the College that Major Smith should be reinstated?

A. I do not know, sir, that I can answer that question. I know under some circumstances I should say yes, and under others no, and my reasons for saying this would be these: Major Smith is in the prime of life, he has devoted his time exclusively to this institution. He is a scholar. He is a student in music, and in art. None, as you yourselves must remember, none probably better qualified to assent to what I say, together with the fact that the effect of music upon children is very beneficial, and in his capacity as the teacher of music, and inspiring them to learn its higher grades, he has no superior, and but few equals.

A qualification which I recognize; in drawing or painting hardly any boy of the graduating class can leave the institution without an impression being made upon him by Mr. Smith's teaching, which will last him a life time. But if the

Committee will visit the school and go into Professor Becker's room, they will see what I mean. There were four drawings upon the walls, one of which was an outline, the second was a partially filled-up picture, the third nearly completed, and the fourth complete, all illustrating the same subject, and any boy, with any skill at all in drawing, or with any taste as an artist, could see how to commence a picture and how to finish it.

There is no branch of education taught in the College, that I am aware of, that Major Smith is not thoroughly competent to teach; for this reason I felt that it was a great loss to the institution in dismissing him.

I hope I am not making my answer too long.

Mr. Littleton. Certainly not.

Mr. Heaton. The Board of Directors, as now constituted, would be a barrier against his successful administration here. There has been a lack of generous feeling and generous treatment of Mr. Smith by this Board for two years, and I can illustrate it, perhaps, by referring the Committee to the fact, that when the rules were made, they were adopted without ever consulting the Chief Executive of the institution, which was a reproach to him very decidedly, because, if he was not fit to advise with them as to the rules of the College, he was not fit to be its President. If the Board were to be governed by these dislikes of Mr. Smith, it would be a misfortune if he were retained here. But if they would receive him here with a disposition to give him every advantage for counsel, advice and assistance, I know of no man that I would desire to see here as much as I would Mr. Smith.

Mr. Littleton. You have an Instructor in Music?

A. Yes, sir.

Q. Also in Painting?

A. Yes, sir; Professor Becker; very capable.

Q. Does Mr. Smith teach anything in these departments?

A. He goes into them; he has drawn these pictures for the boys, to show them; and, as I understand, from time to time he goes into these various rooms and sees these classes in the hands of the Professors, and takes them out of their hands and examines them. This is what I have always understood that he did.

Mr. Franciscus. Has it not been the habit of Major Smith, on each Fourth of July, to make a patriotic address?

A. I have been absent on every Fourth of July for thirty years, and could not answer that question.

Q. Were you present in January last, when he examined the classes?

A. No, sir; I caused notices to be sent (as Chairman of the Committee) to all the members of the Board, requesting them to be present. My time was occupied. I presume there were none here.

Q. Do you know whether it took place?

A. Not from my own presence.

Q. It has been given in evidence, that Major Smith was indolent; have you any light upon that subject?

A. In my conversation with the Teachers and Professors of the institution (I have made it a rule to visit the schools and hold conversations with the lady teachers, from time to time, for some years, and frequently with the Professors,) and the only expression of opinion I have ever received from any of them has been in commendation of Mr. Smith.

Q. Would they be likely to express an unfavorable opinion of their superior officer?

A. I do not think they would; it was not necessary for them to speak at all, though I have endeavored to find out.

Q. Would you consider such an expression, in any event, improper?

A. I would, sir.

Q. Then I ask the question, if they stated that Mr. Smith was kind and prompt?

A. That was the answer.

Q. Did you ever ask them their opinion as to his competency?

A. No, sir; I judge of his competency from various causes.

Q. Did you ask them whether he did or did not instruct their classes, or examine them?

A. No, sir; I may say, when I asked the Professor, that I think his answer was, he had no stated time for examining classes—that is, no fixed day.

Q. Do you recollect anything in relation to any communication being sent to the Board in reference to these rules?

A. Yes, sir.

Q. Do you recollect it being stated that it was prompted by Major Smith? Was not that stated as a fact?

A. I presented the remonstrance myself. I never heard anything, except incidentally.

Q. Did Mr. Becker ever acknowledge to you, that Mr. Smith made him present the remonstrance?

A. The reason why I presented the remonstrance, I think every officer of the institution joined with me in these views. I considered that as sufficient basis for presentation.

Q. Did you have any conversation with any other officer?

A. No, sir.

Q. Did Mr. Smith report the condition of the lavatories at any time?

A. Yes, sir.

Q. Mr. Franciscus. What action was taken upon that report?

A. It was referred to the Committee on Household, I think; I am not positive, I think it was.

Q. It has been given in evidence, that there has been a case of fornication in the College; do you know anything about it?

A. Nothing more than the report of the Committee on Discipline.

Q. Did the Committee censure Mr. Smith?

A. In no way whatever, sir.

Mr. Littleton. You stated, in reference to the question as to the reinstatement of Mr. Smith, if the Board would give him a hearty support, you think it would be desirable to have him reinstated; would you not think that a difficult thing to do, if the Board thought him incompetent?

A. Well, sir, I do not believe the majority of the Board think him incompetent; I do not think there is a member of this Board who thinks him incompetent.

Q. I base my question upon the fact, that if the majority of the Board thought him incompetent, would it not be a difficult thing for them to work harmoniously with him, or with anybody; I do not mean Mr. Smith particularly?

A. Well, sir, if I were in Councils, as I am in Girard College, I should turn this Board out of existence and put in eighteen men who are not here now—not one of them—and whatever officer was elected to fill the position, they would get a fair chance, for I do not think a man who does his duty is to be sacrificed to prejudice by any set of men.

Q. I do not think that it would be any argument; what

we want is to get at the proper position on which we are to base our opinion, and that is upon the facts before us; if we find ten men a majority, who think him incompetent for the position, would it not be difficult to work harmoniously with him?

A. It would be difficult to work in harmony with him, of course.

Mr. Harper. You said there was another point which you thought was the cause of removal; what was that point?

A. Prejudice.

Q. What are your ideas of that prejudice?

A. I think there are many men who do not fully comprehend the character of Mr. Smith; I think there is a want of conciliation in Mr. Smith; that he is rigid in doing that which he thinks he ought to do, and his very rigidity of manner in doing it would inspire dislike on the part of some persons, and therefore they would be prejudiced against him; and that was why I was prejudiced against Mr. Smith when I first came into the institution, and it was only removed by my analyzing his treatment, his duties, which I think he has performed strictly, without regard to friend or foe; I think that he never stoops to, or has not for the last two years stooped to, the beck of any one man or set of men in the Board.

Q. Mr. Littleton. Were you here when Mr. Vaux was President of the institution?

A. Yes, sir.

Q. Did he not seem to have considerable interest or control here; more so than any Director?

A. Yes, sir; that undoubtedly was the case.

Q. Have you heard of the case where one Director made a request for a leave of absence for a boy, and that privilege was granted to Mr. Vaux?

A. No, sir.

Q. Would you think that proper, if it was done?

A. I should not; I made an application to the President myself for permission for a boy to leave here, whose time of leaving was in the latter part of vacation, and his mother desired that he should go out in the forepart of the month; Professor Corson was in charge at that time—Major Smith was absent—and he refused to grant the request, and on Major Smith's return he sustained Mr. Corson in his action;

that is the point that I think has raised the feeling of prejudice against Mr. Smith—his adherence to rules.

Q. It has been sworn to by Mr. Gill, that he made an application for the permission for a boy to leave on the occasion of the death of a relative; that was refused to him, and subsequent permission was granted upon application by Mr. Vaux.

A. I do not know of that.

Q. Do you think he has fully discharged his duties?

A. Well, quite as well as you can expect of anybody; he has met with my general approbation; that he has made mistakes I have no doubt, but I cannot recollect them at this moment.

Q. Have you heard any complaints of the President, as to his discharging his duties, or of cruelty to the boys—harshness or cruelty in punishing them?

A. Never; except rumors on the street, since this dismissal.

Q. None of the parents have called upon you?

A. Never, sir.

Mr. Harper. When a matter has been called to the attention of the Board of Directors by the President, and it has been referred to the Committee, what further has he to do with it? For instance, in relation to the lavatories being in bad order?

A. He is exonerated from any further charge, until they give him orders what to do.

Q. That is what I want to know—if he has not performed his duty?

A. Yes, sir, fully; as I understand it to be.

C. R. MORGAN, M. D.,

Sworn Reporter.

November 19, 1867.

Robert M. Foust, sworn.

Mr. Smith, Chairman. You are one of the Directors of the Girard College?

A. Yes, sir.

Q. One of the gentlemen who voted for Major Smith's

dismissal. You will be kind enough to state to the Committee the reason which influenced you to do it.

A. I wish, Mr. Chairman, as much as possible, to avoid a repetition of what has been said before.

My reasons are pretty much those that have been given by the members of the Board who have already testified; but I have had some general ideas upon this subject, which, for the purpose of enabling me to express myself clearly, I have committed to writing. Reasons, &c., for my vote on the 11th of September, 1867, deposing Major Richard Somers Smith, President of Girard College for Orphans.

I.

I voted for the removal of Major Smith because I always believed that Mr. Girard intended to supply a certain want in society by the founding of an institution, to be known as the "Girard College for Orphans."

In the 20th Section of his Will, it is provided as follows: "*And whereas*, I have been for a long time impressed with "the importance of educating the poor, and of placing them, "by the early cultivation of their minds, and the development "of their moral principles, above the many temptations to "which, through poverty and ignorance they are exposed, "I am particularly desirous to provide for such a number of "poor white male orphan children as can be trained in *one* "institution, a better education, as well as a more comfortable maintenance than they usually receive from the public "funds."

This explicit declaration of Mr. Girard fully explains itself, and has been my guide in all my intercourse with the College as a Director. I have been unable to discover, in the administration of Major Smith, that the development of the moral principle of the poor white male orphans in this institution has been made an object of importance, as its founder intended. On the contrary, it seemed that the bad propensities of the boys were suffered to grow unchecked. This led to punishments, which, oft-times being disproportioned to the offence, led to resistance; this, in its turn, led to expulsion; and the boy, at the period in life when he ought to have been ready to have entered earnestly upon the work of education, had he been properly trained, as intended by his friend and

benefactor, was thrust out into the world in disgrace, probably the worse for his association with the College.

Believing that this condition of the institution would be changed for the better by substituting Professor Allen for Major Smith as President of the College, I voted for the change which has taken place.

II.

Because I have been associated with the College in the capacity of Director for eight years. I was with Professor Allen four years, and about the same time have been associated with Major Smith. During this time a marked change has taken place, as I believe, for the worse. Major Smith does not possess the affections of the pupils to the extent which good government demands. He does not appear to have the confidence of the teachers, without which no executive head of this institution can satisfactorily render a faithful account of his stewardship to the community. Nor such respect from the subordinate officers as is necessary for the harmonious workings of the machinery of the College. Insubordination prevails among the pupils, crime is of frequent occurrence, and abscondings are increasing beyond precedent, all of which would either never have occurred, or, if occurring, would be in a greatly modified form, if the head of the institution had been equal to its duties.

There being no way to correct these growing evils so effective as a change in the Presidency I voted for it so soon as a remedy presented itself.

III.

Because the President does not possess the ability to familiarly address the children publicly, whereby opportunities for imparting information in relation to the topics of the day are lost, and injustice done them which no mere book instruction can replace. This kind of oral instruction I regard as one of the great wants of the College. The mere reading of a collated article, or even of an original paper, however well written, can never reach the heads or hearts of children as the extemporized eloquence of an intelligent and qualified teacher does, and when that want is supplied, and this sort of practical instruction made a feature in the system of education in the Girard College, an interest will be created to-

wards it in the minds of the pupils, which will, in my judgment, more readily prevent absconding than either the rod, the lock-ups, or the fear of expulsion. A live man is wanted in the desk of the chapel and on the floor of the school-rooms, and to perform the duties generally which are specified in Sect. 1st, Part 8, of the Rules.

IV.

Because, although Mr. Girard enjoins in his Will "that by every proper means a pure attachment to our Republican Institutions, and to the sacred right of conscience, as guaranteed by our happy constitutions, shall be formed and fostered in the minds of the scholars." I have neither heard myself, or from others, that such instruction was imparted by the President personally or by his directions, although the past several years furnished abundant topics therefor.

His omission of this duty in times past was a subject of general remark at the College, and impressed me very unfavorably against him, together with his refusing to have the flag owned by the College hoisted, when almost every house and public building in the City, in honor of the success of our Soldiers, had done so, helped me to a conclusion unfavorable to Major Smith; because he disregarded these precious opportunities of teaching a pure attachment to our Republican institutions to the pupils under his care.

V.

Because of the frequent complaints of disrespectful and unkind treatment made by the mothers of the pupils who in their visits to the College, had come in contact with Major Smith, an impression was created outside the institution from this circumstance, highly prejudicial to its character, and injurious to its discipline.

I also believed the modes of punishment adopted to be unusual and unnecessarily severe; they were of a nature to destroy the self respect of the child, and to create feelings of revenge and animosity against those administering them.

I may be unduly sensitive upon this point, but I cannot help condemning in the strongest manner the system that confines growing and delicate children in badly ventilated apartments during the cold days of winter without heat,

and those of summer without air; no light at night, their food bread and water, and this for months together, sometimes neglected for a whole day, during which they would have nothing to eat, or any suitable opportunity to relieve the wants of nature; at other times compelled to stand in one position for hours, day after day made to assume painful and unnatural positions, besides the rod being also freely used by Prefect and President, it is not to be wondered at that the boys run away from such a home as the College proved to be to them.

VI.

Concerning the locking up of the boys, I would state that during the intensely cold weather of last December my attention was called to the condition of a boy named J——n, who was confined in an upper room in the infirmary, and had been there, I think, eight days, without fire or light, and fed upon bread and water. There was nothing in the room in the shape of furniture but a mattress, a couple of blankets, a stool on which was a jug of water, and a piece of bread, and on one side of the room was an uncovered tin pot; the window was broken from its fastenings, and admitted the cold air freely; the prisoner was but eleven years of age, and so filled with dread of the future that his whole desire was to get away from the College. It is due to truth to state, that this boy was reputed to be a bad one, but that furnished no excuse for punishment such as is not visited upon a convict in the penitentiary, and it is asserted by his friends that this want of a proper training in the College led to his ruin.

I visited the lock-ups at other times, in other buildings, and found them all of the most objectionable character, and a disgrace to the College. The boys in them were all so far from help, in case any accident had taken place, that they would have perished without their cries being ever heard.

I have spoken of these matters to both the President of the College and to the Chairman of the Board of Directors; on two occasions I endeavored to have the Board take some action in the case, but met with so little sympathy that I abandoned it. These things, however, were all the time preparing me for a change in the management of the College, and so soon as I learned that the services of Prof. Allen could be obtained, I was ready for the change, and did vote for it.

VII.

Because of the difficulty of obtaining information of the inside working of the College.

Whenever a rumor of mismanagement or severe punishment was made, or anything in the shape of a complaint transpired, it was answered almost invariably by the friends of Major Smith, "Oh! that came from Mr. A. or Mr. B., they are acting from interested motives." And when I spoke of things I had seen, particularly in regard to the imprisonment of the pupils, and the filthiness of the rooms in which they were confined, I was told the boys were vicious and naturally bad, and were righteously confined; and that the rooms were foul from the acts of the boys themselves.

I believed that these statements, like the punishments, frequently did the pupils injustice; and moreover, I believe that if the Executive head of the College fully realized his position as the head and father of the family, he would have modified a mode of punishment calculated to develop such propensities as were made to appear in these so-called bad boys, or to abolish it altogether. The punishments appear to me to be excessive and vindictive, and I am constrained to confess that I believe during the last four years there was much more of it, both in quantity and severity, than ever has or ever will be brought to light.

VIII.

Because of the undue assumption of authority in the treatment of Mrs. Linn, one of the Governesses, who at a time of great affliction from the loss of different members of her family, was summarily dismissed. She demanded the reason for this summary action; he said he dismissed her for incompetency; she said Mr. S., I have been here for sixteen years, and you know I am *not* incompetent.

Mrs. Linn then inquired how long he would allow her to remain after his notice; he said one week, but before the week expired, he sent her word he wanted her room, and had her furniture put out into the entry until it could be taken away. This was a clear violation of the rules of the College, and exposed Mrs. Linn to great hardships, which continued until the Board, on the 10th of April, 1867, re-instated her, by an almost unanimous vote, against a lady again nominated by the President himself.

IX.

Because I believe it to be the right of the present Board to have a voice in the election of a President, if they desire it. There is no rule as to periodical elections. The ordinance of 1847 provides for the election of certain officers, the President being one of them, who shall hold their offices at the pleasure of the Directors. Major Smith was elected in 1863, but two members of the present Board participated in his election, in consequence the President seemed to be independent of the Board; this was calculated to lead to a want of harmonious co-operation between the two authorities, which ought not to have existed.

Again, because the Directors wished to systematize the workings of the College, by which they would be able to know from month to month, through the President, its entire condition, and they made rules obligatory upon him, which if complied with, would have completed their idea, and resulted in satisfaction to the entire household. But he refused obedience, and disregarded their wishes, and set an example of insubordination, which in the pupils would have furnished a cause for discipline.

Because of the shape events were taking at the College, I expected a change in the Executive Department would some time occur, but I did not look for it so soon as it came.

X.

Because of the unfairness of the mode of examination of the boys, brought before the Committee on Discipline. Section 10 of the rules of the College, provides, that "the discipline of the College is under the immediate direction of the President," &c. "The President shall report, in writing, to the Committee on Discipline and Discharge of pupils, the particulars of every offence against order and good morals, which, in his opinion, may require the action of the Committee."

Under this rule, the President reports every month a number of cases to the Committee; principally for absconding, and occasionally for other offences.

At other examinations, made by the Committee, the President of the College, the Chairman of the Board of Discipline, and sometimes a Prefect, are present, beside the Committee. Under these circumstances, it is next to an

impossibility to obtain any satisfaction from the boy as to the causes of his delinquency. He is made, by his fears, to criminate himself, either by admitting the charges against him, or by remaining silent.

I have, upon more than one occasion, had the examination of the boys taken entirely out of my hands by the Chairman of the Board.

Under these circumstances, after going through the forms of an examination, the recommendations of the President were generally adopted.

XI.

The President has, month after month, invoked the aid of the Board in the work of expulsion.

From an earnest desire to aid him in maintaining the discipline of the College, as Chairman of the Committee on Discipline and Discharge, I have acquiesced in his recommendations from time to time, but I saw in the repeated abscondings and the reckless demeanor of the reported delinquents, all the natural results of a hard-pinching, demoralizing system of punishments, which every professed disciplinarian ought to know, would lead to the results complained of by Major Smith.

Believing this state of thing unchangeable, except in a change of the Executive head, I voted for that change.

In my visits to the College, I have seen what appears to me to be a very defective police system in the institution, which, it seems to me, it ought to be an object of the first importance to guard actively against. Boys are permitted to roam about the grounds alone, or in company with others, out of sight of the officers, for long seasons and at irregular times. The result of this is, that they have been found away up in the arches of the main building, manufacturing false keys, making assignations with a servant girl, going over the wall, and after walking around the City, return in time for bed, robbing the fruit trees before daylight, robbing the pantries at mid-night, opening the rooms of the different buildings with false keys during the night, setting fire to a wardrobe in building No. 3, from the gas light, setting the cellar on fire, and destroying the ornamental trees in the grounds of the College, etc., etc. Could this condition of

things exist if a suitable supervision over the boys was exercised by the officers?

XII.

I have observed that the Prefects exercise a discretionary power among the boys, which only the President should exercise, and that with great discrimination; they keep the records of the standing of the pupils, and assign or withhold rewards at their pleasure.

There are some other reasons that might be assigned; some of them have been repeated by others, that have influenced me, in a great measure, in regard to my action. One of these was, the whipping of the boy S——n, an account of which has been given by others, and a case of hardship of the boy F——r. And in preparing these reasons as I have, Mr. Chairman, I have endeavored to give a reason why nothing was done at the time, as well as the reason why I voted as I did.

I would ask permission, in this connection, to read another paper, which is a sort of condensed statement of the affair. This I felt would be necessary to complete the history of my vote, because I am accounted, as I suppose I am now, as one of the oldest members of the Board. I think it due to myself and my colleagues, to say that this matter of the removal of Major Smith has not been a thing of yesterday or the day before. I have looked for it for a year past, for the reasons that have been assigned.

CONDENSED HISTORY OF THE ADMINISTRATION OF GIRARD COLLEGE.

And the Gradual Growth of the Opposition to Major Smith.

Major Smith took his place as President on July 1st, 1863. Almost immediately the discipline became bad, and an unusual number of abscondings took place, followed by a very large number of expulsions made at his request.

As proof of this, from July 1st to October 14th, 1863, thirty-four boys were expelled in compliance with his demand, and during the same time more than one hundred cases of absconding took place: As an illustration of how frequent were these difficulties, the minutes of the Board for September 9th, show that fourteen boys were expelled at that meeting alone! Among

these cases were some that were peculiar. As an instance, the older boys who had been well drilled in the manual and camp military exercises, petitioned the Board on June 29th, that they should be permitted to volunteer in the military service of the State during the emergency. Pennsylvania was then invaded by the Rebels, and the older boys almost to an individual were anxious to assist in its defence.

This petition was referred to Major Smith, with the power to grant the request, provided the consent of the next friend of those boys could be had. The consent of a portion was obtained, but Major Smith would not allow them to volunteer. At this time six of the older boys, instigated by their ardor, and being permitted to go out in vacation, went to a camp north of the College and enlisted. These boys were subsequently discharged from the army by the Court, and on August 12th the President requested their expulsion.

Dr. Sites moved their expulsion, but the Board, under the circumstances, refused, and on motion of Mr. Boswell, their cases were "referred to the President, with power to dismiss or take such other action as he may deem proper." The President expelled all of them.

On the first mothers day after he came, a difficulty occurred between Major Smith and a portion of the mothers. On September 9th, he complained to the Board of the conduct of "these people," and requested that some action should be taken to control them. This was the first time, so far as I know, that any difficulty had ever taken place between the President and the friends of the boys, and the Board, in order to help the President through his apprehended troubles, and in order to aid him in maintaining discipline, agreed to hold thereafter, special meetings on the days of these visitations. On December 28th, 1863, the President reported that a difficulty had occurred between him and Messrs. P——s and B——s, the two principal Prefects, and that he had dismissed them from the service of the College.

These officers had been for a long time in the service of the College, and their dismissal was made in express violation of the power of the President, which only gave him authority to *suspend*, and required him to report to the Board for its action. After discussion, his friends succeeded in passing a resolution at a meeting January, 1864, approving of this violation of the rights of these officers.

Prefect S——n. In January, 1864, took place the cruel and excessive beating by a Prefect, of Samuel S——, one of the pupils, which act was sustained by the President against the appeals of the mother and others. This punishment, which came near resulting in the death of the boy, caused great excitement among a portion of the members of the Board, and investigations ensued, which continued up to the following June. In the meantime, however, the mother got the boy home and refused to allow him to return, and the President asked for his expulsion. This the Committee on Discipline and Discharge, which had the matter before it for nearly five months, refused to do, and recommended the Board to cancel his indentures. A majority of the Board however, expelled the child.

In August and September, 1864, difficulties in the institution broke out afresh, and the records show constant abscondings, and expulsions at the request of the President, who appeared unable to control the institution in any other way than by turning the boys out. For instance, on September 14, 1864, the minutes of the Board show eleven boys expelled and eight placed on probation, the Committee on Discipline and Discharge reporting that they had twelve other cases unacted upon for want of time to consider them. At the next meeting of the Board in October, eight were expelled and ten placed on probation. Thus in a period of four weeks, nineteen boys were required to be expelled by the President, and eighteen boys placed on probation during the same time. A portion of the Board had by this time become dissatisfied with the condition and management of the institution, with its excess in punishments, and the vast number of cases of absconding, and became impressed with the inefficiency of the President. The first movement which indicated this on the record, was the passage of a preamble and resolutions by the Committee on Discipline and Discharge, May 12th, 1864, as follows, viz. : "Whereas, The Committee has had presented to it, statements, the truth or falsity of which they have not been able to determine, in relation to the character of punishments inflicted on some of the pupils by Prefects and Governesses, therefore."

"Resolved, That the President of the College, be requested to furnish this Committee with all the evidence in his posses-

sion, touching the infliction of corporal punishment on the pupils."

In answer to this, the President reported June 2d, 1864, two hundred and forty-nine corporal chastisements, inflicted by Prefects, Governesses, and himself, had taken place between January 1st, 1864, and May 31st, 1864, a period of five months, of which sixty-eight had been administered by his own hand! It will be borne in mind that these were the punishments inflicted in the household department alone, and do not include any inflicted during the same time by the Professors and Teachers in the schools. Among the cases reported was the following remarkable one; a boy was whipped by the President who had not been twenty-four hours in the College, on the charge of profanity and lying. This poor child begged Major Smith that he might not be whipped, because he said he had been so dreadfully beaten at home. (*Vide Report of the President, June 2d 1864.*) The idea of flogging a boy who had not yet been twenty-four hours in the College, over whom no time or chance for restraint had been exercised, and that too, after such a prayer, seems to me to be too unfeeling for belief!

The next movement of dissatisfaction which appears upon the record, is a motion of Mr. Heaton, September 14, 1864, which required the President to report the number of abscondings and expulsions during the year he had been in office.

To this he replied, that forty-three boys had been expelled and one hundred and fourteen cases of absconding had occurred. (*Vide Report of the President, May, 1864.*)

The next indication was a motion made by Mr. D. M. Fox, who, on October 12, 1864, endeavored to have passed a resolution referring to the Committee on Discipline and Discharge the cases of two boys who had been committed to the House of Refuge on complaint of the President of the College, for the purpose of considering whether steps should not be taken to have them released. But the friends of the President succeeded in defeating it.

In November, 1864, the President dismissed a Governess, Mrs. Linn, from her office, in express violation of the rule adopted when Major Smith came into power. He did not report this dismissal to the Board until after she had been compelled to leave the College. Mrs. Linn had just returned from Fortress Monroe with the dead body of her son, Captain

Linn, who had lost his life in the service of his country; and even if the act had not been in violation of her rights and the rule of the College, and was not an assumption of power on his part, ordinary sympathy for *such* an affliction ought to have spared her. His friends, however, succeeded in getting his action approved; Mr. Lex voting in the affirmative, and Messrs. Boswell and Heaton, present members of the Board, voting in the negative.

At the meeting of the Board, March 8, 1865, Mr. Heaton brought to the notice of the Board the fact, that the President of the College had not allowed the friends of the pupils to visit them on the last mother's day, and moved that the mothers and friends be permitted to visit them on that day week. Mr. Remak moved as a substitute, to refer the subject to the Committee on Discipline and Discharge. Messrs. Boswell, Foust, Gill, and Heaton, of the present members, voting against Mr. Remak's substitute; but it was carried. Mr. Boswell subsequently succeeded in getting a resolution passed, permitting the mothers to visit, half on the following Wednesday, and the other half on the Wednesday afterwards. On March 22, 1865, the Committee on Discipline and Discharge reported a plan, drafted by President Smith, changing entirely the mode of visiting the College from what it had been previously. The visitors were divided into small bodies, one of the four days taken from them which they had had previously, and they were required to come at certain hours in the morning, instead of the afternoon, as hitherto, which prevented, practically, a large number from coming at all.

This change created great dissatisfaction, and added much to the feeling of opposition entertained towards the President by the friends of the pupils. The Board, in its system of rules adopted subsequently, restored the original management.

The next prominent evidence of dissatisfaction with the President occurred March 22, 1865; when Mr. Heaton moved the appointment of a Committee to prepare a code of rules for the government of the College, which was laid over until the meeting April 12, 1865, when Mr. Heaton again called up his resolution. Mr. Remak moved as a substitute, that the Committee on Discipline and Discharge, in conjunction with the President of the College, be appointed to frame rules. Mr. Remak's substitute was lost by a vote of seven to eight; Messrs. Boswell, Gill, Heaton, and Lex, of the

present members, voting nay. Mr. Remak then moved to postpone, which was lost by the same vote; and the original motion of Mr. Heaton was carried by nine yeas to six nays. Dr. Burnell then moved that the President of the College be added to this Special Committee; Messrs. Boswell, Gill, Heaton, with six of the present members, voting against the proposition. This Committee failed to report, because it fell on the following July, by expiration of the term of the Committee.

On June 14, 1865, on motion of Mr. Gill, the Board ordered a celebration on the Fourth of July, there having been none on the two preceding anniversaries during Major Smith's term. On July 12, 1865, upon the recommendation of the Board, Mr. Heaton renewed his motion for the appointment of a Committee to prepare a code of rules. On September 13, 1865, Mr. Gill moved that so much of the resolution, passed December 10, 1862, as provides that all vacancies shall only be filled by the President nominating a suitable person for such office to the Board of Directors, subject to their confirmation, be repealed.

A motion was made to lay this resolution upon the table; which was lost by a vote of four yeas to thirteen nays; among these nays were found the names of Messrs. Boswell, Butler, Coleman, Foust, Gill, Heaton, Hoffman, Jones, Moore, and Lex, and the original resolution of Mr. Gill was carried by the same vote. On December 13, 1865, Mr. Hoffman moved to declare the office of Messenger vacant. This was a mere motion to vacate, without assigning any reason, or bringing any charges. Messrs. Butler, Coleman, Hoffman, Heaton, Boswell, Gill, and Lex, of the present members, voted for this motion. The Democrats declined to vote, and thus no quorum voted, and in consequence of that, the resolution fell on that day. At the next meeting of the Board, January 10, 1866, Mr. Hoffman renewed his motion, and it was carried by the votes, among others, of Messrs. Boswell, Butler, Coleman, Foust, Gill, Heaton, Hoffman, Roberts, and Lex, of the present members. The Board immediately proceeded, at the same meeting, to elect another person to fill the vacancy.

On February 14, 1866, the Board, at the suggestion of the President, adopted a resolution asking the Legislature to enact a law to authorize the commitment to the House of

Refuge of refractory boys from the College. Several children had previously to this been committed to the House of Refuge on the complaint of the President to the Mayor of the City, and I believe, in one instance at least, without the approval, or even the knowledge of the Board. The attention of Councils having been directed by newspaper publications to the bill then pending before the Legislature, they, by resolution, requested the Legislature not to allow the Bill to become a law.

At the next meeting of the Board, on April 11th, after this action of Councils, Mr. Lex submitted a preamble and resolutions, asking Councils to reconsider their action, and not to interfere in this effort to obtain authority to place the pupils of the College in the House of Refuge. It was understood that this was done according to the wish and request of the President, who desired that this authority should be obtained. But notwithstanding, the Board refused to adopt Mr. Lex's proposition, and thus laid it upon the table by a large majority, among others, by the votes of Messrs. Boswell, Butler, Coleman, Heaton, and Roberts, of the present members; only two votes being obtained in its favor. Thus was disposed of finally the effort to administer the discipline of the College through the House of Refuge.

It had now become apparent that great opposition existed on the part of the President to the establishment of a code of rules. Two Committees had already been appointed for this purpose, but some influence or other had prevented either from reporting. On July 11th, 1866, a new resolution was adopted, appointing a Committee, who finally reported a code of rules, as will be seen at the next meeting of the Board. The Committee for that purpose consisted of Messrs. Roberts, Coleman, Foust, Boswell, and Rhoads. It was at this meeting that a resolution was adopted vacating the offices of Matron and Steward; among those who voted for removing the Matron was Mr. Coleman, of the present members, and among those who voted to remove the Steward, was Mr. Jones, of the present members. These motions were both merely naked motions to vacate, and no reason was assigned in either case. Their successors were also elected at the same time, without any doubt being expressed by any member of the Board of its entire right to take such action.

On September 12th, 1866, the Committee appointed at the

last meeting, on the subject of rules, reported a code, and after affording time for consideration, they were, on the 26th of the same month, adopted. Various efforts were resorted to, to defeat, modify, or change them; it was understood that the President was bitterly opposed to them, and it became apparent that by his conduct and language, in regard to them, that he had diffused a spirit of insubordination among the officers; as an evidence of this, a communication was presented to the Board, written by one of them, to Major Smith, censuring very strongly a portion of the rules. When the attention of the Committee was attracted to this, they were informed by the officer in question that he had written this communication at the request of Major Smith, and did not intend or know that it was to be used by the President in the manner he did.

Major Smith declined to recognize the new Steward, Mr. Hartley, but continued to allow Mr. Field to act in that capacity, and the Board finally had to pass a resolution instructing him not to permit Mr. Field to act in that capacity. This resolution of instruction was passed by the votes, among others, of Messrs. Heaton, Jones, and Lex. The President declined or neglected to furnish an office for the Steward until the Board ordered it by express resolution.

In November, 1866, the Board, in its estimates, fixed the salary of the President at \$3,000, which was an increase of \$300. Somewhere, between the Board and the action of Councils, this sum of \$3,000 was altered, and increased to \$3,500. The Board passed a resolution informing the Controller that this sum had been changed without their will or knowledge, and that no more than \$3,000 should be paid. Among the yeas, by which this resolution was passed, was Mr. Coleman, and among the nays Messrs. Heaton, Hoffman, Jones, and Lex.

During the Christmas holidays, the President, in direct violation of the code of rules adopted in the preceding September, emptied the College of its pupils, and allowed the boys to be absent five days and nights. The Board marked their opinion of this act by passing a resolution, inquiring by what authority he had done so.

As another illustration of his indifference to the authority of the Board, he caused the Latin language to be introduced, although the Will of Mr. Girard says: "That while he does

"not forbid it he does not approve," &c. This was done without the knowledge of the Board of Directors, and without their permission.

On April 10th, 1867, the Board did a long-delayed act of justice, by re-electing Mrs. Lynn as a Governess, who, it will be recollected, had been dismissed in 1864 by the President, in violation of the rights and of the express rule of the College.

It was during this month that the remarkable case occurred of the criminal intercourse of three of the pupils with a female domestic. The circumstances of this case show how utterly inefficient had become the management and the government of the College. Although this intercourse commenced in the previous August, it had continued weekly, without discovery, until the pregnancy of the woman finally made it apparent.

On September 11th, 1867, the Board proceeded to vacate the office of President, the history of which the Committee are already familiar with. It is due to truth to say, just here, that many statements which have been publicly made with regard to this action of the Board, were untrue. For instance, it has been asserted by several of the newspapers in the interest of Major Smith, that the Board had refused to accept his resignation, which was proffered. No resignation has ever been offered to the Board; the only thing relating to this assertion which did occur, was a statement by one of the minority, entirely unauthorized, so far as the writer knows, by Major Smith, and without his knowledge, that if the majority would unite in a letter [to him, the member,] expressing their determination to make a change, he [the member] would promise his resignation, or if he did not get it, that he [the member] would vote against Major Smith himself, on the question of removal.

From the foregoing data, obtained after much labor from the records of the Board, the Committee of Councils cannot fail to be convinced that abundant cause existed for the action of the Board on the 11th day of September last, and the only reason I can assign for the delay of that action so long is, that the remedy for it was not known until it presented itself in the person of Prof. Allen.

Mr. Harper. Mr. Foust, I wish to ask you, sir, whether any resolution of inquiry was ever offered as to the manage-

ment of the College, or the exercise of discipline by the President.

A. I do not know whether any specific resolution was offered. The Board, as I have endeavored to show in this statement, were dissatisfied with the general conduct of the College, and the manner in which things were operated, and they condensed all their wishes, directions, and requests in a code of rules, which were adopted with a great unanimity, and which cover all the ground; and which, if they had been complied with, would have answered the purpose of the investigation.

Q. What I want to get at is, whether any resolution of inquiry was ever offered as to the management of the College or the exercise of discipline by the President, while he was President of the institution?

A. Yes, sir; upon several occasions. I think that I have stated that the Committee on Discipline and Discharge, under Dr. Burnell, inquired as to their being so many reports of severe punishment, and as to the number of punishments. They inquired of Major Smith particularly and specifically, whether such punishments existed, and why, and for what cause.

Q. You do not seem to understand my question. I want to know whether any resolution was ever offered in the Board containing an inquiry as to the management of the College, or the discipline of the President.

A. I think there was, sir. I think I have answered the question very clearly, by saying that the Committee on Discipline offered such a resolution, and the report of the President is among the records of the College.

I mention in connection with the matter, that that was offered two or three years ago by Dr. Burnell.

Q. What was the result? What action was taken by the Board when that resolution was offered?

A. I do not remember.

Q. Was there ever any report made or resolution offered by any Committee or any Director as to the management of the College, or the discipline by the President?

A. To answer that question explicitly, there was no formal report made by any Committee appointed to act upon the conduct of the President, that I know of.

Q. Was there by any Committee?

A. I think the Committee on Discipline, under Dr. Mayberry, did upon more than one occasion.

Q. They made a report, did they?

A. I am not certain that they made a report in writing; the matter was frequently brought before the Board.

Q. What was the purport of their report?

A. It was to the effect, that these boys had been badly used. I am not able to go so far back as that, and give a clear explanation of what occurred. But I can say this, enough was said to convince us about the management of the College.

Q. What was the result of the action of the Board?

A. There was nothing done except to pass this code of rules, which were intended to remove the difficulty.

Q. Was there a report ever brought before the Board of S———n's case?

A. I do not remember that, it was a good while ago. I simply, in my examination of the records, found the case alluded to. I must confess I am not familiar with that case, some of the Directors are.

Q. Do you remember whether the President was ever in the presence of the Board, asked as to the discipline, or any fault found with him?

A. I do not know that he was. I do not know that he was asked specifically these questions. As far as I am myself concerned, I do not consider that it was any part of my duty to question the President, in view of my being a member of the Board, and in view of the rules that they had adopted for the guidance of the President. I myself made no request, and I presume others acted from the same motives.

Q. Were you not Chairman of the Committee on Discipline and Discharge at one time?

A. Yes, sir.

Q. Messrs. Haines and Rhoads were your colleagues?

A. Yes, sir.

Q. Well, did you ever, while you were Chairman of the Committee, report any exercise of discipline of which the Committee complained?

A. No, sir; I did not.

Q. Was there ever any such exercise of discipline of which you ought to complain, while you were in that situation?

A. Yes, sir, there was; I have mentioned a case here, which I think is a very remarkable one, of a little boy, that I, as the Chairman of the Committee on Discipline, found next to idiocy. I reported that case to the Board, and as I stated in my reasons here, I met with very little encouragement in coming before the Board; so much so, that I felt reluctant to press it, unless I might be found unusually sensitive in the matter, and I had not found the full extent of these punishments. If I had known then what I know now, I might have pushed for an investigation.

Q. What was the action of the Board?

A. No action at all.

Q. Nothing done?

A. No, sir.

Q. When did you receive a knowledge of the case, about which you testify in your statement?

A. I have been more or less familiar with them by my attendance upon the meetings. Since I have observed the course of affairs, since we met here to cross-question the Directors, as has been done, which I objected to at the commencement, for the reason that I knew many of these statements would be of a very specific character. Since then I have made the records my study.

Q. You have made the examination of the records since this examination commenced?

A. I have, sir.

Mr. Littleton. You were familiar with them before?

A. More or less so; I done that to refresh my memory.

Mr. Harper. Were you ever called upon by Mr. Allen?

A. No, sir.

Q. Did you see him before the election?

A. I did see him once.

Q. Did he call upon you at your house?

A. No, sir.

Q. At your place of business?

A. Yes, sir; Mr. Allen and I have been acquainted for the past eight years. He was my neighbor. I do not think that his calling upon me was remarkable.

Q. Had you any conversation with him about the Presidency of the College?

A. So far as I wished to ascertain whether he would accept the vacancy, if one should occur. Do you desire to hear the conversation?

Mr. Littleton. I would like to hear it, as near as you may recollect.

Mr. Foust. Mr. Allen called upon me on the Tuesday preceeding. I had frequently met him in the neighborhood. There was nothing strange in his calling upon me. I asked him, if a vacaney occurred in Girard College whether he would accept his old position. "Well," said he. "I have sometimes thought that there were several years of labor in me yet; if I were called to the position of that kind, I would accept it. Under no circumstance would I say anything to induce any friend of mine to help to make a vacaney; under no circumstance would I do anything to depose Mr. Smith." And he was very complimentary to him, and in every way conveyed the impression to me that he wished to do what would be proper under the circumstance, as much as a man of honor could do under the same circumstances.

Q. Mr. Harper. Where is your place of business?

A. 112 south Fourth street. I am a Notary Public.

Q. You say you frequently saw him in your neighborhood?

A. Yes, frequently in that neighborhood.

Q. Did Mr. Allen live in that neighborhood?

A. I do not think that he did.

Q. Was he a resident of Philadelphia, at that time?

A. I do not think that he was.

Q. He was frequently in the City, and you saw him frequently?

A. Yes, sir; I have seen him frequently in the City, for the last eight years.

Q. Well, Mr. Foust, there is a communication in the newspaper, to which your name is attached, and which I suppose you endorse. I wish to call your attention to one or two of the points that are made in it, one of which says that Major Smith "has, either directly or through his friends, caused the motives and persons of the Directors to be assailed by almost daily attacks, in the columns of the public press."

Q. How do you know this to be so, sir?

A. Well. I suppose his enemies would not publish anything of the sort. It seems to me most likely the man's friends would defend him. And my particular reasons for that assertion will be found in the fact that on the forenoon after the meeting had taken place, which resulted in the elec-

tion of Professor Allen, one of the Directors was very much excited—a friend of the President's—and the idea suggested itself to me that he communicated with the papers. The resemblance to each other which the articles had, I supposed that he would do it. I did not see him do it, but there were such papers appeared afterwards; that was one of my reasons for saying what I said there.

The next was, that these articles, which I carefully read, and have presumed were so very much alike in language and spirit, that I supposed they originated from the same source; the next was, that Mrs. P—l, who was removed at the same time, was never once alluded to in any shape or form. Their manner and style, and the fact that these cases of severity of punishment were never once alluded to, led me to form the conclusion that there was a manufactured public sentiment. I think that I had good reasons for coming to such a conclusion.

Q. Have you seen the denial of that in some of the public papers?

A. I did, sir; and I took the denial for what it is worth.

Q. There is another statement there which says, "Because abuses have existed in the treatment of the orphans which the public have never suspected, and which the Directors have vainly sought to change in any other way." Will you tell me in what way they sought to change these abuses?

A. They adopted a code of rules, by which every department of the College would have been exposed and presented to the view of the Directors. That was the principal reason for their adoption, because the old rules were disregarded.

I take the ground that we sought to effect the change in another way. If these rules had been carried out, my impression is that very many of these unhappy difficulties would never have occurred.

Mr. Harper. You stated in that communication that the boys were suffered to grow unchecked. Now, in another portion you state that the boys were severely punished. How do you make these statements correspond?

A. If you will remember my phraseology, you would see that I said "that they appeared to be unchecked."

Mr. Stokley. Is not that in reference to police arrangements?

A. I do not think it was.

Mr. Harper. You afterwards said the boys were very severely punished.

A. I do not think the punishment of boys is calculated to check their evil propensities; it requires kind treatment. You take a bad boy and punish him, and it makes him worse; that is my experience.

Q. You stated also that you saw a marked difference in the administration. What was it you compared that with; the administration of Mr. Allen?

A. Yes, sir; the general condition of the College. For instance, during the whole of Mr. Allen's term, I was the two first years upon the Committee on Discipline and Discharge, and I do not remember that the Committee met once during that time. I really could not have told at the time that Professor Allen was there. I really could not have told whether corporal punishment was practised or not in the College. I knew nothing of the lock-ups, and nothing of the punishments, until they become such a staple article of conversation and complaint.

Q. Did not a period of time elapse between the resignation of Mr. Allen and the election of Major Smith?

A. Several months.

Q. Well, during that time might not boys have been allowed to grow worse, not having proper restraint?

A. I have no means of answering that question.

Q. How long was that period?

A. Six months, I think.

Q. During that time, who had charge of the College?

A. Mr. Arey; the Secretary had charge.

Q. How was the College carried on under him?

A. I heard no complaint.

Q. Were there any expelled during that time?

A. I do not remember.

Q. Well, if there were no expulsions, do you not think it probable, that the condition of the College may have been lax, and that it required a strict hand afterwards?

A. That may have occurred, it is hardly probable; on the contrary, I believe Mr. Arey was very happy in his administration of the College during these six months.

Q. Mr. Arey is the present Secretary?

A. Yes, sir.

Mr. Stokley. Upon Mr. Arey's retiring after the election

of Mr. Smith, did not the Board pass a set of complimentary resolutions for the manner in which he had conducted Girard College?

A. Yes, sir; and they were beautifully engrossed and framed; and were highly commendatory.

Mr. Harper. Do you recollect the case of the boy B—d, of his being expelled during that time?

A. I do not. There may have been a case of that kind, but I do not recollect it.

Q. After the Board had passed these complimentary resolutions, and there was so much difficulty in the minds of the members of the Board as to the successor, could they not have gotten Mr. Arey to have taken the position?

A. I am not able to answer that question. I suppose that Mr. Arey would have had no objection.

Mr. Harper. It was so highly complimentary, I thought there must have been a reason for not electing him?

A. There were a great many candidates for the position.

Mr. Stokley. During the time that he (Mr. Arey,) acted as President, was there not an effort made to discharge certain parties?

A. I am not able to answer that question sir, intelligently.

Q. You never knew that that was the fact, and that created an opposition to him because he would not make these changes?

A. As far as I know about Mr. Arey's administration, he tried earnestly and honestly to co operate with the Board. and I remember our connection with him was very harmonious and pleasant, and I do not remember anything that I could consistently find fault with in his administration.

Q. Do you recollect anything of the discharge of the man, McS—c, an employé?

A. No, sir, I do not.

Q. You spoke in your paper of persons possessing the ability to address pupils publicly, as being in your opinion of great weight. Do you mean to say that President Smith never did that?

A. I do not say that he never did it. I mean to say that, it was a thing that was almost totally neglected. I have never heard Major Smith, myself, deliver an extemporaneous address, and I have inquired of many others in vain, to find that he has done so. I, in making the statement do not wish

to say it in a fault-finding spirit, I speak of it as a natural defect. The possession of that power on the part of Professor Allen is known to me, and gives him, in my estimation, a power greater than almost any one I know as a teacher, and it was one reason why I preferred Mr. Allen, as he had proved his ability in that particular.

Q. Do you recollect Major Smith's delivering an address when the premiums were given out to the boys?

A. I do sir; It was a very brief one.

Q. Upon what occasion do you mean that Mr. Smith did not allow the flag to be raised?

A. I allude to the statement circulated generally. I stated this, I am obliged to say, from the statements that have been made in the College by the officers every now and then. Another statement was, when it was desired to have the flag raised, Mr. Smith refused; I simply have the general facts.

Q. You do not know it of your own personal knowledge?

A. I do not of my own personal knowledge. I speak of that as common rumor, everybody spoke of it, and complained of it. To me it was a very serious objection.

Q. You spoke also of the unkind treatment to the mothers?

A. Well, I have been called upon by a number of the mothers of the pupils in the College, who spoke of Major Smith in such a manner as led me to believe, that he could not have treated them with any degree of politeness or courtesy; as an instance, one mother said to me that she had a boy in the College, and his brother was in the army, and when the brother from the army was at home on a visit, upon a certain time, he was very desirous of seeing his little brother who was in Girard College, and she went out there with the soldier, to have him make a visit to the little fellow in the College. Major Smith refused to let the boy be produced that the mother and soldier might see him, and they went away without their wishes being gratified. She complained bitterly of that instance.

Q. Did you ever inquire whether there was any reason for that refusal?

A. I took the statement of the mother, sir, as I would take that of any honest woman; I presumed she was one of that kind from her appearance.

Q. Did you ask Major Smith anything about it?

A. I did not think that it was necessary for me to follow

up these things; I did not suppose these people would come to me with a falsehood.

Q. Then you have condemned Major Smith unheard?

A. No, sir, I did not condemn him; I would not condemn him upon that isolated instance; that was one of the many things that helped me to make up my judgment in relation to my vote.

Mr. Harper. Will you state, Mr. Foust, what the rule is in relation to the friends visiting the College?

A. Well, I do not know what the rule is; I do not think there is any rule against allowing a friend of a boy to visit him at any time.

Q. Do you recollect the rule posted in the lodge over the visitors' book?

A. I know that these rules have been alluded to; I think their application has been made to operate very severely in certain cases, but as the rules were so frequently set aside for other reasons, it seemed to me that in the cause of humanity it would have been a small affair to have had the mothers' wishes complied with in such cases as these that have been mentioned.

Q. I notice upon page 14 of the Rules: "And provided further, that mothers or friends of pupils shall not be admitted, with or without a permit, except at the stated times fixed for their visits, unless it be on business with an officer, or unless in the event of the serious illness of the orphan; minors shall not be admitted with a ticket unless accompanied by an adult." Do you ever recollect seeing that rule posted up in the lodge?

A. I remember seeing a rule there, without really knowing what it is; I do not think the rule was ever intended to apply to such cases; as I read it, I do not think it should be enforced at such times, or in such cases; I do not think it should have been enforced at that time. I would state, in connection with this matter, that it was a subject of frequent complaint with mothers that came to my place of business, and their distress, and their agony of mind, and their fear of being ordered away from the College, and being otherwise disrespectfully treated by Major Smith, was of a character to excite my sympathies. I can hardly believe that these mothers came there without any motive at all, without having any reason for what they said or what they did, and

therefore I believed, when they made their statements, that they were disrespectfully treated.

Q. Do you not think that mothers think, if boys are punished at all, that they are improperly treated or punished?

A. I think that may be probable in some cases, but there was so much of this thing, and on the increase; it was coming heavier and heavier. What was the reason of it? I knew there was a cause somewhere. If I undertook to inquire at the College, of these troubles, the very moment I sought information of acts so done, I could get no information, except at the risk of being called a mischief-maker. I have gone to a Governess to ask for information, and then have asked another officer as to her statements, and the answer was, "Well, she is a mischief-maker—she makes trouble." So obstacles were thrown in the way; I have heard officers speak of some of the Directors as having assumed a great deal, in going out there and looking into things. Now, you can readily imagine that to any man who was honestly inclined, and desirous of avoiding trouble, how exceedingly uninteresting it would be, under such circumstances—as I desire to get through the world as kindly and quietly as possible in my social and family relations; and if I have erred in not making my inquiries, I confess I am willing to take the blame.

Q. What officers do you allude to?

A. There are several of them; I decline to mention any names, without permission; I am responsible for what I say, but if there is a necessity for it I could furnish their names.

Q. You spoke of the boy J——n; his being confined in winter time; what had he been doing?

A. He had been insubordinate; I think the President, in his report, reported him as being a very bad boy. I have nothing to say in extenuation of the boy's behavior, but what I speak of is the enormity of the punishment—putting a fellow, in such weather as the latter part of last January, in a room where the window was broken out.

Mr. Harper. You state it was in December.

A. It is my impression that it was in January, during the Christmas holidays; and in a memorandum that I have seen, where the statement was made, I think it was nearly the Christmas holidays.

Q. Did that boy suffer from his punishment?

A. You can form an idea of how a boy would feel in a room with the window broken out, in the midst of winter. I went into that room, Mr. Harper, about four o'clock in the afternoon of this cold, bitter winter's day, away up in the infirmary, next to the roof; there are about three lights in each window, one sash only, and that some kind-hearted person, in attending upon him, had fastened with a broom-handle, and the other was streaming open; with nothing in it (the room) but a mattress and a stool at the head of the mattress, with an earthen jug and a tin pot; and here was a little fellow, not much higher than this table, with his hair sticking out in every direction, his hair uncombed, and he sat upon the mattress playing with a little block. The boy seemed to be as near idiotcy as a child could be; I could get no answers from him. Said I, you have been doing something here; you must be a very bad boy. He said nothing to me; he looked around the room dreamily and gloomily. I said, you have been a bad boy here; it is on account of some bad conduct. I cannot do anything for you. I must leave you. The discipline of the College must be enforced. I asked him what his name was, which he told me; said it was Sam J——n. I think he told me what he was put up there for; but when I come to reflect that his punishment was very severe, that he had been up there until he was fairly benumbed, it seemed to be unmerited, and I undertook to bring the matter before the Board. However, in relation to the boy, I spoke to several persons about the College of the effect that this thing had upon my mind as a father, and as a friend of the children there, and to my surprise I found it was a common occurrence. I could get nobody to sympathize with me in the matter; it was not considered an extraordinary thing. I went immediately down stairs to Mrs. Hare, and I told her; (the President was away from the City at that time; he had gone to visit some portion of his family, or somewhere else.) He was in such a condition, I said, he must be taken out of that room. I assumed the responsibility for the first and only time. I think I told her to take him down into a warm room and make him comfortable, but not to release him; to give him suitable food, as he had been fasting all the time, and I expected I should be complained of for interfering. I never heard of it afterwards, except in connection with this boy, who was afterwards expelled. He was a bad boy I have

no doubt—a little boy of eleven years—and should he be treated as a convict, without the power of discriminating between right and wrong? I believe that he should not. I believe that it was wrong. I felt as a Christian man I should speak of such things; and I have found very little sympathy in alluding to it, except here and there I would find one of the Directors who entertained the same impression.

Q. Did you hold the President responsible for it?

A. I held him responsible because he allowed a system so bad. If it was done under the direction of the Prefects it should be reported, and not have it occurring so frequently. I saw other cases afterwards. I believe the child was put there by the direction of the President, and was left there while he was absent.

Q. You said the fastenings were broken?

A. Except as one of the ladies had brought up a brush-handle and propped one of them shut, and the other was open.

Q. You say the lock-ups were a disgrace to the College?

A. I so consider them; I mean the principle of the lock-ups and prison houses is a disgrace to the College.

Q. Does not the rule say, the boys shall be kept in seclusion?

A. Precisely; it says they shall be deprived of their liberty. It does not say that little children that are naturally timid, whose fears very often operate very dangerously upon them: little children, as I have seen them, in a room large enough to hold a regiment of men. Why you would have to look around and grope your way in the dark, and find them huddled away in the recesses of the window, hiding away from the darkness. Sir, I would just as soon think of putting my children in a cellar, or any other place as objectionable, as to put them in places that I have seen them in, in the rooms called the lock-ups.

Mr. Harper. The rules of the College, and its discipline, requires that they should be kept in seclusion; they could not be kept in seclusion without they were locked up.

A. Well, there ought to be comfortable rooms; rooms heated in winter time, and in summer time ventilated. I have gone into rooms which I could not remain in any length of time.

Q. Who has the selecting of the lock-ups?

A. The President ought to know about them. I do not

know who selects them. If he does not select them, somebody of discretion and judgment should do it.

Q. Are there no other rooms which could be applied to these lock-up purposes?

A. There was not; if this long room in which I found two little boys, if this could be devoted to the purpose of two rooms, and they could be heated, lighted and ventilated, it might be better. I cannot myself discover any reason for cruelty being practised upon these boys.

Q. Who was this Mrs. Linn, and what position did she occupy in the College?

A. I think she has always occupied the position of Governess.

Q. Do you know why? for what reason she was discharged?

A. I do, sir.

Q. What was that reason?

A. Mrs. Linn had been a long time connected with the College, and from the little knowledge I have of her, I find her to be a motherly, considerate woman; a woman of intelligence. She was a very superior woman for her position, at the time I speak of, when she had lost her mother and her sister, and then afterwards her son, a brave fellow who was killed in battle somewhere upon the Peninsular. When she had, with all these afflictions upon her, come home, she found that Mrs. Robinson, the Matron, had removed her bed, furniture, pillow cases, et cetera, (as every tidy, careful woman likes to have things about her,) and had substituted in their place, some dilapidated, ragged and torn bed furniture. Mrs. Linn was indignant at the change; she thought it was interference with her right as a Governess. One of those quarrels which take place among women, that ought not to have gone any further. Mrs. Linn sent a note, and said she had better take those things off from her bed, and give them to the servants, as for her, she had not been used to have such things about her. The President chose to regard that as insubordination, and she was dismissed in consequence. There were probably some other reasons in connection with this thing, but that was the ostensible reason.

Q. Was this matter mentioned to the Board?

A. Yes, sir, and she was dismissed?

Q. What action was taken?

A. What could be taken? She was gone, dismissed by the President.

Q. There was no action had?

A. I do not remember.

C. R. MORGAN, M. D.,
Sworn Reporter.

November 22d, 1867.

Robert M. Foust, recalled.

Mr. Harper. I wish simply to ask you one thing, and that is, whether at any time during your connection with the College, you have personally brought any charge before the Board of Directors against Major Smith?

A. No, sir.

Mr. Littleton. First, how long have you been Chairman of the Committee on Discipline?

A. About a year and a-half I think, sir.

Q. Did you visit the lock-up while S——l J——n was there? and who accompanied you?

A. I did visit the lock-up while S——l J——n was there, and I was accompanied by Mr. Hartley. I was obliged to call upon Mr. Hartley, because the President was absent from the City. I believe the Prefect also was absent. I got the key from him, and got him to show me the way.

Q. Were the window-glasses broken?

A. I am under the impression that the sashes which spring inwardly was broken from the hinges. I cannot recollect about the lights; the sash, however, was broken, and could not be closed tightly, one of them was fastened up with a brush-handle, and the other was left part way open to admit the light.

Q. Was the President in the City of Philadelphia at that time?

A. I think he was not.

Q. Please to state what occurred on the occasion on the presence of J——n's mother and Mr. Williams, a delegate from the Mechanics' Aid Society?

A. As near as I remember the occurrence took place in the chapel. The examination was made in the presence of Major Smith, the mother, and Mr. Williams, a sort of guardian of

the boy, and as nearly as I can recollect, the mother of this child failed to obtain any satisfaction from the boy as to his wish to remain here, and his general deportment. The child was utterly demoralized, and was in the same frame of mind that I found him in the lock-up. I believe he was thoroughly reckless. He did not seem to care anything about his mother, or his friend, Mr. Williams, or the College; his sole desire was to get away from restraint.

Q. He did not say anything that you could remember?

A. I do not remember that he did.

Q. What did Mr Williams say?

A. He expressed himself thoroughly discouraged in reference to the boy. So I think did his mother. It is due to truth, to say, that both of them said that that was owing to his connection with the College. That when he was at home before he was introduced into the College, he was a different boy.

Q. Was that day appointed, as a day for the meeting of your Committee, and did any besides yourself attend?

A. I think it was appointed for a Committee meeting, and I was the only one present.

Q. Has it happened upon other occasions when the President has requested a meeting of your Committee that you alone attended?

A. Yes, sir; it is true sir. I am sorry to say, I have always attended, and have been the only one here; occasionally Mr. Lex and myself have acted upon the cases presented.

Q. Are you informed as to what disposition was made of the boy J——n, and who so disposed of him?

A. I have understood that he was placed in the House of Refuge, where I expected the boy would go, from the condition he was in.

Q. Who placed him there?

A. His mother, she was obliged to do so.

Q. Did J——n in your opinion, suffer in health, or otherwise, by his seclusion?

A. I think so, sir; I think he did from the condition in which I found him. He seemed to be benumbed, as near like an idiot as any boy I had seen in the College, at the time I saw him in the lock up.

Q. Has any other boy, in your opinion, suffered from seclusion?

A. Directly I do not know of their having suffered. I have seen them in such situations that it would be a merciful interposition of Providence, if they had not, or would not suffer in such circumstances.

Q. Did you have any intercourse of a kindly nature, with the President, advising and directing him as to the things now complained of?

A. I do not know that I did. It was because of my kind feeling for the President that I treated him always with the utmost delicacy; and in this connection I would say that my position at the present time is one of a very painful nature to me.

Q. Is it your deliberate opinion that the action of your Committee, in putting on probation the boys, the President brought before it, has tended to support him in the discipline, particularly at this last meeting on the 14th of October?

A. I shall have to answer that question generally, by saying that I acted very frequently solely from a desire to sustain the President, and by that means sustain the discipline of the College. I frequently acted against my judgment, and more frequently against my sensibilities. I have always been opposed to that kind of punishment as disproportionate to the offence committed; that has been my general sentiment.

Q. Did you think that the way to maintain the discipline by putting boys on probation?

A. Well, the President recommended it, and I followed the recommendations almost invariably, as being the only thing that could be done under the circumstances.

Q. Did he recommend it on the 14th of October?

A. I do not know that he did, nor do I remember precisely when he did do it, for sometimes the Committee changed the recommendations, as when boys were recommended for expulsion, the recommendation was sometimes changed to a recommendation to put on probation.

Q. What was the resolution of censure passed at that meeting, and who was censured, and on what ground?

A. I cannot now recollect sir, of the resolution of censure, I do not remember the minutiae.

Q. What boy and mother staid at this meeting in October?

A. I really do not know to what President Smith refers.

Q. When you visited the lock ups October 9th, you found

one lock-up in bad condition, please state the condition of the other three rooms.

A. I visited them, (I think it was on the day you mentioned,) October 9th. A case had been brought to my attention; a mother, Mrs. McG——, called upon me, and informed me that she was in great distress, that her son had been at home sick; or, rather that her son had absconded and come home, and was taken sick while he was at home, and she brought him back to the College, and placed him in the charge of Major Smith, and he was immediately sent to the infirmary, on account of his ailing. I think that that is the case, and after that he was removed to the lock-up. The mother was in great distress, knowing the delicate condition of the child, and when she called upon me, was very much afflicted by the suspense she was in, in consequence of this punishment of her child, and asked that I go out to look into the case. I reported the case to the Board that afternoon; the Board, I think, instructed our Committee to make an examination of the case. We started to make a tour of the lock-ups in No. 2. I visited three or four of them I think, and one of them was in certainly a very extraordinarily bad condition, as has been described before; the room was very filthy.

Q. Do you know the reason of it?

A. The reason appeared at the time to be very obvious. There was no ventilation; no way of getting air into the room.

Q. Was there any particular reason?

A. The reason was, because of the close confinement. Three boys in a small room with no ventilation. I was afterwards informed that the filthy habits of the boys produced this. But my recollection of the case, there was no such evidence, because there was difference of the effluvia under such circumstances, and one where boys were confined. The reason given afterwards, that the boys had polluted the beds and the floor, did not hold. These boys were suffering from the unventilated apartment. I went over to the room on the other side of the building, one of the largest rooms, probably, in the building, a noble large room, where twenty boys might have been confined without harm on the score of ventilation. Two of the smallest boys were confined here, while in the smallest room, three of the largest boys were confined. I thought that was a refinement.

Q. What was the condition of the room—was it comfortable?

A. So far as a nearly vacant room can be considered comfortable.

Q. Please state your recollections of B——s case, particularly in reference to the frosted feet?

A. I do not know anything about that condition of B——d. The most I know of him was, his mother was in a great deal of distress about him. He was brought before our Committee two or three times. His mother made a charge against the President, which was not sustained. The charge was more particularly against the Prefect. She charged that he had whipped him and left stripes upon his body, and that he was in a diseased condition. The examination of the little fellow proved that her charge was not correct. But in relation to the whipping, about the marks being upon his body, it was so long after the whipping had been performed, that I am unable to say whether he had been marked or not. I heard nothing about his feet being frozen.

Q. Please state what consultations were held by you with the President, as to the propriety of expelling him, or giving him back to his mother, and the reasons you assigned as against such a course?

A. As nearly as I remember, in relation to that little boy, there had been some violation of the rules of the College. I am now speaking from recollection. There was a peculiarity in his case, which I do not precisely remember, which made me think it best that he should be expelled. I was overruled in that matter. I think the lad was dismissed by the action of the Board. That is about as much as I remember in his case.

Q. Do you recollect any conversations about the expediency of expelling the boy?

A. I do not. It seems to me, I was in favor of expelling him, on account of some infringement of the rule that he had been guilty of. I really cannot answer correctly from memory, in that case.

Q. Were complaints made, in this case, of brutal treatment—and did you believe them?

A. At the time these complaints were made, I thought them greatly exaggerated. I had no personal knowledge of the severity of the punishment of that boy. I think that

was about the time his mother called upon me. It was about the time when there was a breaking-out among the mothers, and before that it had been my habit to discountenance the complaints from mothers. This was about the turning point, in my judgment. My impression was, that I told Mrs. B——d that I was opposed to the course she was pursuing.

Q. Did you not object to expelling the boy upon account of the mother's character?

A. I differed with my colleagues on the Committee, whether it was proper, in behalf of his colleagues, that he should be retained, or that he should suffer the penalty. I cannot say anything definite, for my memory does not serve me. I differed, however, with my colleagues in reference to the matter. The records of the vote will explain my vote in reference to that.

Q. Was the boy's naked body examined by the Committee—and with what result?

A. It was examined by Mr. Lex and myself—the only members here at the time. We failed to discover any marks, or evidences of stripes, upon the body.

Mr. Francisus. How long before the examination did the whipping take place?

A. I am not able to say definitely. Probably a couple of months. It was a long time before. May be more than two months.

Q. What class of boys were those who appeared before your Committee?

A. Well, that is a difficult question to answer. They seem to come promiscuously from the different ages.

Q. It is a question in reference to the conduct, not as to the classes in the College.

A. Well, it is presumed that the worst boys were brought before the Committee.

Q. Mr. Littleton. Have they ever alleged any, in your deliberate judgment, truly serious cause for absconding?

A. If the complaints are to be believed, and their friends' representations at home are to be believed, they had ample reason.

Q. This question is as to the allegations of the boys.

A. Well, sir, as I stated in my reasons of last Tuesday, I failed repeatedly to get at the reason of the boys acting as they did; they were intimidated by the presence of the Presi-

dent of the Board, President of the College, and Committee, and was it to be supposed for any reason that a child would eriminate himself, particularly when he would have to remain here? I could not find out, and I hardly ever did find out satisfactorily, what was the cause of the boys going away; they would say one thing before the Committee and another thing to me in private, and a third thing to their mothers; there was a reason, and I formed my own conclusions.

Q. Have they ever alleged their desire to be free, to get a place, or to go to work?

A. I am unable to say; they have never expressed it to me in any examination by the Committee.

Q. Have they not been told to speak freely, as to friends?

A. Yes, sir.

Q. Would they not be likely to make the worst case against the College, to the Committee, as to persons not knowing their character?

A. I am not sure of that.

Q. Would not a boy most likely exaggerate the evils under which he supposed himself suffering?

A. He would undoubtedly make the best case for himself that he could, but it was very seldom that I could prevail upon them to be communicative at all; sometimes they would break down utterly under the course of examination; I found the kindlier they were treated, the more affection that was manifested by the officers, the better effect it had upon them; the very moment a harsh question was put, it would rouse up their feeling, and they would become stubborn; in the very last examination that took place, I encouraged one of the boys to speak out, and asked him what was the trouble; the case he made out was a decidedly strong one against the College: he stated that he had been locked up for a long time, and become desperate, and on the Sunday previous he had been forgotten, and left the whole day without anything to eat, without being taken down to the privy for the whole time.

Q. When was this?

A. This was on October the 9th, the time we are speaking of; the reason why I have not spoken of it before was, because it was since the removal of the President.

Q. Did you really put much confidence in, or attach much importance to, the clamor made by McG——n's mother?

A. I believed what she stated; I had no reason to believe otherwise.

Q. What was that?

A. Namely, that the child had, (I think, that he had absconded)—come home for some reason or trouble here—and she had taken him to the College; returned him sick; given him into the hands of Major Smith, who transferred him to the infirmary, where he remained three or four days, perhaps, and was transferred from the infirmary to the lock-up, and had been there some days before she came to see me about it; and her description of the family excited me considerably; the child's father had died of consumption, the mother was a small, delicate woman, and the child partook of these characteristics, and she felt that this would injure his health permanently; it seemed to me that it was a complaint that ought not to be made against any institution.

Q. What proportional number, out of five hundred boys, has been before your Committee?

A. I shall have to refer you to the records for that, I do not remember.

Q. How large a proportion of small boys, and how large?

A. Well, if I were to make any answer upon a numerical basis, I should say a small proportion; if I should say upon the basis of good government, a large proportion; figures I do not remember.

Q. Has the President not always professed to you to withhold nothing as affecting the discipline of the College from your Committee?

A. I do not think the President has ever made a communication as to the discipline of the College; we have never known anything except from inquiry and observation, except in the announcements from time to time of certain boys that he wished to have disciplined.

Q. Do you think the President had brought cases up unnecessarily, or too many?

A. I have no reason to believe that; I have never thought such a thing.

Q. Has the President not expressed a desire to withhold nothing from the Committee?

A. I do not remember of his having made a profession of the kind; we have never had the matter presented in that shape.

Q. Have you seen anything in his conduct to lead you to suppose to the contrary—any attempt at concealment, or anything of that kind?

A. Well, I have never made a charge against the President, and there have been so many things that have been the subject of rumor, that the Committee have known nothing about that.

Q. What is your knowledge and experience as to the trouble caused by the interference of mothers and friends?

A. Well, it has excited a spirit of inquiry that has become unfavorable to the condition of the College. That is my personal experience.

Q. Is not this interference very often unjustifiable?

A. I have never had any visits from any one of the mothers, but I found there was ample cause for their anxiety.

Q. Are not complaints frequently unjust?

A. I am not able to answer that question.

Q. Were you a member of the Committee on Rules?

A. I was, sir.

Q. How many meetings of that Committee were held?

A. That I am unable to say.

Q. Were all the members always present?

A. That I do not remember. I am unable to say.

Q. Was President Smith ever consulted about the rules?

A. Not that I know of. I was not Chairman of the Committee. I cannot tell.

Q. If not, what was the reason for such omission?

A. I am unable to answer that question. I would state, in this connection, that after the rules had been presented to the Committee, they were printed, and printed copies were distributed amongst the members. They made their examinations, and the amendments were presented in that form to the Board.

Q. Were you cognizant of the means of discipline employed by the predecessor of Major Smith?

A. I would say, in relation to Mr. Allen, that I was on the Committee of Discipline two years, and I do not remember, in all that time, that we had a meeting. I could not have told, at the time that Professor Allen was President of this College, whether corporal punishment was employed in this College. I know I could not tell whether there was a lock-up. I say there may have been corporal punishment

practised, but they were so judiciously managed, that they created no confusion, elicited no remark. I do not mean to be his defender. The record of Mr. Arey's administration I also am entirely ignorant of.

Q. Were flagellation and confinement resorted to?

A. I never heard of that during the time that Mr. Allen was here. I never heard of that until Major Smith commenced his charge of the College. Understand, I do not say there were no such cases. I have no knowledge of it.

Q. Was there not as much complaint from parties outside then as now, regarding the discipline?

A. I never heard of it then.

Q. Do you remember Major Smith's reporting a Prefect—not of the household department—for incapacity, on account of the use of strong liquors?

A. Yes, sir; I think he did.

Q. Do you know why he appealed to you?

A. I do not, without it was on account of my intimacy with these gentlemen. I might say, in connection with that matter, that the object of the question is to elicit that fact. It was on my recommendation to Mr. Vaux that he got the place in the College. I was not aware of his drinking before. When he was recommended, I supposed he was a perfectly and entirely sober man.

Q. Did you consult with any member of the Manual Labor Committee upon that subject, or with any other members of the Board as to this report of the President about this drunken man?

A. I did; I had frequent conversations in relation to this man. I believe him to be the best man for that position the College could obtain. He was a single man, a good workman, entirely qualified for that position; the greatest sin was his intemperance. I believed he could be reformed. I made an effort to do it. He did reform, and I requested that he might be retained so long as he continued to reform. I was ready to vote for his dismissal just as soon as he failed to be a correct officer.

Q. Did you favor the process the President suggested, and on what grounds, and with what results as to the removal of this officer?

A. I did.

Q. Was he removed?

A. No, sir.

Q. Is he still here?

A. Yes, sir.

Q. Is he a capable officer now?

A. I consider him so. It is reported that he is intemperate; I have made inquiries from officers, who deny it. I do not see anything like it in him, and until he is reported thoroughly incapacitated I shall hold to that opinion.

Q. Have you ever thought the President indolent, or manifest any want of engagedness in his duties?

A. I am compelled to answer that question in the affirmative, sir.

Q. Can you state any instance?

A. The general running down of the institution is the best answer I can give to that question, which caused me to come to such a conclusion.

Q. This question was as to personal habits?

A. I make no allusion to personal habits at all, I am now speaking of President Smith.

Q. Could you answer as to that question? For instance you can tell whether a person is indolent in manner?

A. I have no reason to go from any such conclusion. I make my answer as to the general results—general official results.

Q. As to all the particular habits of the President, what is your opinion?

A. I know nothing of Major Smith personally, at all.

Mr. Francisus. You state in your evidence that one reason you voted for the dismissal of Major Smith was on account of the boys being severely whipped?

A. Yes, sir.

Q. Have any of these cases come under your own personal observation?

A. Only by reports from officers of the College. In relation to these things officers and governesses have spoken; personally I am not able to speak of them.

Q. Did you ever say to one of the Directors that you had no charge to make against Major Smith? That you voted for Mr. Allen because you thought he had been badly treated?

A. Not precisely in that form. I have said that I would not have voted for the removal of Major Smith to have made

a vacancy. I would rather have a bad man permanently in that place than to be making changes from time to time. But when I found Professor Allen was to be his successor, I was ready to vote for his removal. That is as nearly my answer as I remember.

Mr. Littleton. You were formerly an instructor of youth?

A. Yes, sir.

Mr. Harper. Are you opposed personally to corporal punishment?

A. No, sir; I am opposed to severity only. I believe in the necessity of a certain kind of corporal punishment.

Q. Did Major Smith introduce corporal punishment into this institution?

A. I am unable to say that. I do not know.

Q. You do not know whether it was practised under Mr. Allen or not?

A. I have reason to say so from what I have heard. I never heard of it when Mr. Allen was here.

Q. I wish to ask you whether you ever had any conversation with Major Smith in relation to corporal punishment?

A. No, sir; I never had.

Q. Did you ever hear that when he first came into the institution, that he was anxious to abolish it?

A. I never did.

Q. I notice here in the by-laws under which the Committees are appointed, and their duties, that in the 18th Section it states, in speaking of the Committee on Discipline and Discharge of pupils, it says: "They shall watch over the extent and influence of the administration of discipline; conferring with the President, Matron and others, as to the best system of rewards and punishments, so as to present the strongest incentives to virtue, and the most effective restraint from vice; reporting to the Board the case of each boy who may from mal-conduct have become an unfit companion for the other orphans." Now, sir, I understand that the Directors of the College, in their different capacities as Committees, are acting under these by-laws. Is that so, sir?

A. I do not know whether under these precisely.

Q. These are the by-laws for the government of the Directors?

A. Yes, sir.

Q. I wish to ask you, sir, whether you ever conferred with the President, Matron and others, as to the best system of rewards and punishments?

A. No, sir; that matter has by precedent been in the hands of the President, are always by him regulated, and he reported to us at the time these rewards were distributed.

Q. As the Chairman, did you ever report the case of each boy who by mal-conduct had become an unfit companion for the orphans?

A. In reply I would say, we had no means of information, except what came from the President.

Q. You depended entirely upon his reporting?

A. Yes, we had to do that; we had no means of getting information in any other way.

Mr. Tyson. Do you know anything of this punishment, from your own knowledge, which you speak of?

A. No, sir; personally I know nothing of it; I never was in the position to find out anything of the kind; the punishment took place in the President's office; was reported as inflicted by himself and the Prefects.

Q. Do you know it personally now?

A. No, sir; I never had any personal knowledge. I only judge from what is reported every meeting.

Q. Was it reported, on last Saturday week, that there were thirty four boys whipped at one time?

A. If I had an opportunity of knowing that from observation, I should have reported certainly.

Q. Mr. Harper. Did you hear the reason why they were whipped?

A. Yes, sir.

Q. What were they whipped for?

A. Some confusion in the section room.

Mr. Tyson. Do you know what that was for?

A. No, sir.

Mr. Littleton. What was the cause of it?

A. It was in the section room of Building No. 3; a difficulty occurred between the oldest boy and the Monitor; the Monitor struck some one of the boys, probably inflicted a light punishment for something or other, and the boys shouted "*Murder!*" "*MURDER!*" "*BLOODY MURDER!*" or something of that sort; it was on All-hallow Eve, when the Prefects were at supper, and two of them went to the

room and restored order, and reported the section to the President; the section was ordered up to the President's office, and three gentlemen whipped thirty-four of them on the instant. I mention this, as it occurred so lately, merely as a reason why we know nothing of the punishment; that it occurs at times when we are not here.

Q. Was this on the evening of All-hallow Eve?

A. This probably occurred about that time; the latter part of the week.

Mr. Stokley. When the preamble and resolutions were offered in reference to dismissing the President, there was a motion to postpone; how did you vote upon that motion?

A. I voted not to postpone.

Q. Did you give your reasons for voting not to postpone?

A. It is probable that I did; I was in the chair at that time, and there was not an opportunity for me to say what I felt; I may have done so. I was entirely prepared; I was in favor of the motion from the commencement.

Q. Why were you in favor of immediate action?

A. For the general reason that there was a condition of things in the College at that time that was very unhappy; there was a want of harmony, and there was, it seems to me, a general demoralization; probably I heard more of that than my colleagues did, from my position; I thought if the services of Professor Allen could be secured, the sooner they could be secured the better, and so soon as I found that he could be procured I was ready for the change.

Horatio Gates Jones, sworn.

Wm. F. Smith, Chairman. You are a Director at Girard College?

A. Yes, sir.

Q. You will be kind enough to give your reasons why you thought the dismissal should not take place, and anything in connection therewith which you may think proper. Were you present at the time of the dismissal?

A. I was not, sir; I was in New England at that time; I had not returned from my summer vacation; I was perfectly astounded when I saw a Philadelphia paper on Saturday, the 14th of September, to find the President had been removed, as I had not heard any intimation of his removal when we had our last meeting in July.

Chairman. What Committees are you on ?

A. I am on the Committees on Instruction, on Household, and on the Library.

Q. Have you ever visited the lock-ups, Mr. Jones ?

A. I say, when I returned I was surprised to find what had been done ; I expressed my disapprobation very strongly as to the manner in which Major Smith had been removed from the Presidency of the College ; I had regarded him as every way qualified for the position ; I had heard no complaints from the Committee on Discipline and Discharge of his treatment of the pupils, and I had had the opportunity of seeing the ability of Major Smith in the matter of instruction.

I was present during the examination of the Teachers or Professors—the two Professors, I think it was—one of Natural Science, and a teacher of Natural Philosophy and Chemistry, and of English Literature, if that is the title by which the Professors should be styled ; and I was astonished at the extent of the Major's information ; he seemed to be a perfect master of every department in which these gentlemen were examined, as well in languages as in the scientific departments ; hence I knew the removal of Major Smith was not on account of incompetency. As to the matter of his ability, as I had said before, I had had the opportunity of seeing it in the matter of his instruction.

I had heard no complaints made as to his manner of treatment of the pupils, and I thought it was due to the gentlemen who were opposed to the removal of President Smith, that their views should at least have had some weight with the majority of the Board of Directors ; and, moreover, President Smith's conduct, since I have been a member of the Board, was such as to prove himself a gentleman in every particular. I thought he ought to have had an opportunity of tendering a resignation, rather than to be removed without cause.

I so expressed myself to a gentleman of the Board of Direction, both to those who were in a minority, and to those who were in a majority, at the same time I did not doubt the power of the Board to remove an officer whenever they choose to do so. That is the extent of what I have to say as to this matter. As I said, I was a little surprised. I was not here, I was absent.

Q. Have you heard any reports of the severe whipping of boys?

A. Not until this difficulty arose about the President. I have since; I heard of some severe punishment. It had never been brought before the Board of Directors.

Q. In regard to the locking up of the boys for periods of several days, and fed upon bread and water?

A. I never heard of it until this investigation was going on.

Q. With regard to the complaints of the mothers; did any call upon you?

A. I think there probably was one mother came, but that was not to enter a complaint, it was merely for the purpose of having the indentures cancelled. I never heard of these cruelties at all. Major Smith has always been present at the meetings of the Board, and every member was asked to put any question they choose as to the direction of the College in the previous month. This was always done after the President had read his report, and no complaints, so far as I remember, were made by the Committee on Discipline and Discharge, of the manner in which Major Smith made his report.

Q. What is your understanding with regard to your control of the institution. Are the matters in the hands of the President?

A. The President had the general supervision of the institution. If anything wrong occurred among the Prefects, it was the duty of the President to make reports, and if any misbehavior occurred among the pupils it was his duty to make reports. If anything about the building required to be repaired, Major Smith always presented the case before the Board, or brought it before the Committee on Household.

Q. So far as relates to the in-door matters, were they in the hands of the President principally?

A. So far as I remember they were, at least I regarded him as being responsible for it. The Prefects and the Teachers, Matron and Steward, were all supposed to be under the supervision of the President of the College.

Q. How often have you visited the College?

A. I have come out here every month at the meeting of the Board, and whenever the Committee has had a meeting I have been here, if it was at all possible for me to be here, and sometimes I have been here at other times.

Q. During these visitations have you gone around, over the College, or remained in this room?

A. I have frequently gone around over the premises, for the purpose of examining the schools. Not so much of the household, as being on the Committee on Instruction.

Mr. Cattell. How long have you been a Director of the College.

A. For the last two years, so that I know nothing of the previous management of the institution.

Q. Have you examined the out-buildings?

A. No, sir.

Q. Are you a member of the Committee on Household?

A. Yes, sir.

Q. What do you know about the bedding of the dormitories?

A. Well, I have made two examinations there, sir. Not of the lock-up as it is called. They do not come under the Committee on Household.

Q. There has been a complaint about the cleanliness of the dormitories and buildings, eating rooms, bed linen, clothing.

A. I have been through the apartments. I have never seen anything of that kind. I did not uncover the beds. I have examined them, and thought them as neat as the room I occupied when I was at College.

Q. What is their duty? (Committee on Household.)

A. We have the general care of the grounds, the supply of the food and the purchase of the clothing. The Chairman of the Committee, Mr. Boswell, has attended particularly to that, as from his long experience he is fully qualified to do, and he has reported to us whenever there was any doubt. The Matron has charge of the beds and bedding, and clothing, and she is to report if there is need of any repairs.

Q. Do not the Committee come to examine for themselves?

A. Oh! Yes, sir; as I have stated to you, I have examined the clothing myself.

Q. Are the out-buildings under the charge of the Household Committee?

A. Yes, sir.

Q. What is the condition of these buildings?

A. The lavatory has been in a bad condition, and we have had it fixed temporarily; that was owing to the fact that

we had not sufficient money ; Major Smith had a particular interest in that, (the lavatory.)

Mr. Cattell. What is your ideas of the duties of the President of the College. What is your view of his duties under these rules ?

A. That he is to be responsible for the general well-being of the College. I take it, that being placed in that position, and not having the personal instruction of the children, that his duty is to see that not only the Teachers and Governesses generally perform their duty, and see that everything about the College is properly cared for. I have always regarded it as his duty to make a report in these various departments.

Q. Do you think that he has fully attended to his duties, so far as you understand them ?

A. I think so. If I had supposed he had not done so, I should have made a report to the Board of Directors. I had heard no complaint as to indolence or want of efficiency.

Q. You never heard of any complaint from mothers ?

A. No, sir.

Q. Did you ever see the lock-up ?

A. No, sir ; I never saw the lock-up. I knew there was a place where boys were put when they were unruly.

Q. Do you know anything of the character of the boys ?

A. Nothing more than the Committee on Discipline and Discharge. There was never any report in the Board, in the way of a complaint from that Committee, that I remember, at least when I was a member of the Board.

Mr. Franciscus. Has not Major Smith frequently called the attention of the Board to the condition of the lavatories ?

A. Yes, sir.

Q. What action has been taken ?

A. There was a Committee appointed for the purpose of having them repaired. I was on that Committee with Mr. Coleman. An estimate was had. The estimate was far beyond the means which were at the command of the Board, and therefore we directed Major Smith to have them repaired, and not renewed, designing to ask for an appropriation to have them renewed next year.

Q. That was on account of not having funds ?

A. Yes, sir.

Q. Has not the Major often called the attention of the Board to the building being out of repair?

A. I do not remember that.

Q. Did he ever call the attention of the Board to the condition of the sewer?

A. Yes, sir; that I know. The condition of the sewer he has referred to on several occasions, and the matter was up, and we asked for an appropriation to have that fixed.

Q. When the boys were allowed to go out and have holiday, was it not understood by some of the Directors that they were to have that time?

A. Yes, sir. There was some complaint by some of the members of the Board about it, and it was explained.

Q. Did not Mr. Foust explain the whole matter before the Board?

A. I think it was Mr. Foust that satisfied the gentlemen who objected. At the time, I know, when the question came up, I was a little surprised; presuming, of course, that the boys had the privilege to go out; and Mr. Foust satisfied me, and explained it in a way that was satisfactory to me and to the gentlemen who objected.

Mr. Tyson. Had you ever had any complaint made to you, in any way, previous to leaving the City, that Major Smith had been derelict in his duty in the management of the College?

A. I think, now that you ask me that question, that some time after the new Board was organized, and Mr. Lex was chosen President of it, one of the members of the Board said something that led me to believe that he was not friendly to President Smith; but it was not in the shape of an accusation against the President, on account of dereliction in duty. The matter was spoken to me in such a manner that I regarded it rather in the light of a passing observation. I should not like to give the name of the gentleman. I do not think it proper to do so. The impression made upon my mind was that the gentleman was not friendly to President Smith.

Q. Do you consider Major Smith every way qualified?

A. I had that impression. I did not come into the Board with any predispositions in favor of Major Smith; had never met him; never had known him; and I rather think that, if anything, that I was disposed to find fault with him. Some-

times, you know, we get an impression of that kind before we ever see a man. But I had not been here six months before I was led to see certainly that he was every way qualified for his post. I am familiar with Colleges throughout the country, and was especially pleased with the manner in which Major Smith conducted the examination of those persons who came here. I have doubts whether any other gentleman could have done it. I know there was no member of the Board who could have done it.

Mr. Littleton. Did you ever attend a caucus to take into consideration the removal of Major Smith?

A. No. You ask me a question which brings up my feelings at the very commencement of my connection with the College. We had a caucus, and the question of the removal of various officers came up. I do not know whether it would be proper to state all that occurred then, because we did not act upon it.

Mr. Littleton. State what occurred.

A. My recollection is not very distinct as to what officers were agreed upon to be removed.

Q. Was not a member of the Board delegated to request President Allen to resume the Presidency?

A. Not that I am aware of.

Q. Was not that question asked you?

A. I was Secretary of the caucus.

Q. It was held at your office?

A. Yes, sir; one meeting was held there. I think I have the minutes of the caucus, I shall be glad to refer to them to see if that was done.

Mr. Stokley. One of the caucus meetings was held at the house of Mr. Simons? Was it not?

A. Yes, sir.

Mr. Littleton. What did General Cummings say about President Smith. Had he anything to do with this affair?

A. I cannot recollect what he said.

Q. Have you ever been here upon Sundays?

A. Yes, sir.

Q. At the chapel service?

A. Yes, sir.

Q. Do you know whether the President complies with the rule requiring him to officiate at the chapel service?

A. When I was here Mr. Boswell was present ; the President officiated ; I never heard any complaint.

Q. There is a rule saying that at least once a month he shall deliver a moral discourse. Do you understand that to mean that he shall deliver an original or one selected ?

A. It is just as he chooses.

Q. You think that it leaves it optional with him ?

A. Certainly.

Q. Which do you think preferable ?

A. Well, the President can sometimes select a discourse which is better adapted to the wants of the children than he can himself give them.

Q. Well, if he systematically delivers selected ones, do you think that the proper way of conducting the service ?

A. I should leave it entirely with him. I think it is better to speak to the boys as to their duties, moral obligations, reasoning upon them from a person's own mind, I would prefer that myself.

Q. Do you not think that would have more influence upon the boys ?

A. I do not know but what it might.

Q. Would they not look up with more respect to a person who addressed them in that manner, than to one who gave them the thoughts of others ?

A. I should think so.

Q. Do you know whether the President has addressed them in that way ?

A. That I do not know.

Q. How often have you been in the Household Department ?

A. I cannot tell.

Q. More than once ?

A. Oh ! Yes, sir.

Q. Have you examined their condition ?

A. I have been through the building several times.

Q. Have you ever examined the privies ?

A. No, sir ; I have not.

Q. Have you ever been through the schools ?

A. Frequently

Q. Does the President instruct or teach any of the scholars ?

A. Not when I have been here. I understand there was

one class called the class of honor, or the graduating class; that I understood the President has under his own particular care. The Chairman of our Committee is able to give full information as to that matter.

Q. Did President Allen ever ask you to vote for him?

A. No, sir.

Q. Or seek to induce you to vote for the removal of Major Smith?

A. No, sir.

Mr. Harper. I wish to know whether, as a Director, you ever heard any charge made by any Committee against Major Smith?

A. No, sir; I have not.

Q. Have you ever heard any charge made by any individual of the Board?

A. Well, yes I did. Shall I state it?

Mr. Harper. Yes, sir.

A. On one occasion the Committee had before them the question of teaching the Latin language, and we had decided to have the Latin language introduced as we were authorized to do by the Will of Mr. Girard, and we had not yet passed in the Committee the order to purchase the books. One of the members of the Board, after this class had been sometime instructed, brought an accusation against the President, not exactly an accusation, but he rose to make an inquiry by what authority the President had introduced the study of Latin into the College. That was the complaint that was made before the Board, and it was immediately explained by the Chairman of our Committee, Mr. Heaton.

Q. Satisfactorily explained?

A. I thought so.

Q. No further action taken?

A. No, sir; we had agreed upon it before; my impression is we had not yet brought it before the Board in an official way; after the omission to mention it was explained by Mr. Heaton, it set the whole thing at rest.

Q. Did you understand whether corporal punishment had been practised here previous to Mr. Smith's being in here?

A. Only except from what I have heard; I merely know it from report.

Q. Do you know whether Major Smith advocated corporal punishment?

A. That I do not know, sir ; because, as I said, there was no complaint made before the Board of the Major's severity of punishment, hence there was no opportunity of the Major's advocating it.

Q. Did Major Smith ever make any report of any dereliction of duty, or improper conduct of any of the Prefects ?

A. My impression now is that there was a report ; I will not be positive whether it was before I became a member of the Board, or not ; there was some difficulty just after I became a member of the Board.

Q. I understood that you never visited these lock-ups ?

A. No, sir.

Q. If you had ever heard that they were in a bad condition, or thought the boys were badly cared for, is it not probable you would have visited them ?

A. Yes, sir ; if the complaint had been made before the Committee, the Committee would have examined it ; the course is this—if the complaint is made, there is a Sub-committee appointed to attend to the particular duty, and in the case of the lavatories the Committee immediately acted upon that

Q. Did you ever hear of any complaints ?

A. No, sir, I did not ; I am pretty sure no complaint of that kind was ever made before the Board ; at least not when I was present.

Q. It has been stated that unusual modes of punishment have been resorted to ; have you heard of any cases ?

A. No, sir, not at all ; had I heard of any severe modes I should have made an investigation of them.

Q. You are a member of the Committee on Instruction ?

A. Yes, sir, and on the Library, which is only a nominal Committee, as we only make a purchase once a year.

Q. Well, as a member of that Committee, I see it stated here, in the by-laws, under one of the sections, it is your duty "to watch over the extent and the influence of the administration of discipline, conferring with the President, "Matron and others, as to the best system of rewards and "punishments, so as to present the strongest incentives to "virtue, and the most effective restraints from vice, reporting "to the Board the case of each boy who may from misconduct have become an unfit companion for the other or-

“phans.” Do you know if ever that matter was before this Committee on Instruction?

A. No, sir; that particular of it has never been before the Committee; the Chairman of the Board has generally had it under his charge, and I would state here that he has the distribution of the rewards to the best scholars.

Q. Do you know whether Major Smith, since he has been President, has introduced any new things which you think commendable in relation to instruction, or the management of the College?

A. I cannot state that.

Q. Have there been any new classes?

A. There has been the graduating class; that was the result, I believe, of a hint that had been thrown out by the previous Board.

Q. That was before you came here?

A. Yes, sir.

Joseph Moore sworn.

Mr. Wm. F. Smith, Chairman. You can state to this Committee any facts that you know of connected with the management of Girard College.

A. All that I can say is, that ever since I have been in this College, that I have never seen anything in the conduct of Major Smith but what has entitled him to the full respect of the Board; I think that he has shown an efficiency for the position, and faithfully discharged his duty; I have on some occasions come here, in the meantime, when the Board has not been in session, and have gone through the various departments of the institution, more especially at the time when Mrs. Robinson was here; since her removal I have not visited here very much. The position has been an unpleasant one to me. When I saw these removals made without cause, I did feel as if I would have tendered my resignation; that I had no idea, when I was appointed to this position, that politics should control this institution; therefore it has been an unpleasant position for me in my visits; I visited the laundry, dormitories and various places, where the scholars are, and I have seen perfect method, good conduct, and perfect discipline characterizing the whole institution; therefore, when this question came up before the Board, and was sprung upon us, I had no idea but what everything was going on

satisfactorily; I remonstrated about it, and some of the rest of the Board did the same, and they kept us here some two hours before we came to a vote, and he was expelled from the institution, and the party concerned in it refused to assign a reason why they did expel him.

Q. The Committee, before Major Smith was dismissed, adopted a preamble and resolutions reported to be the reasons assigned by this majority?

A. No; there were no reasons that I could see; there was no reference whatever made to Major Smith.

Q. What Committee are you upon?

A. I was on the Committee on Discipline and Discharge, the Committee on Finance, and the Committee on Admission.

Q. Did you ever hear of these cases of whipping that are reported to have taken place?

A. I never heard of these cases at all; the Committee on Discipline and Discharge met here some time subsequent to the discharge of Major Smith; that was the first time I heard of it.

Q. Did you hear about bad boys being incarcerated in the lock up?

A. I never heard of it until this occasion I have just named, when the Committee met to examine that matter.

Q. Was it your idea that the President had the general supervision of the whole building; the head and front, or the general supervision?

A. I did not suppose that it was possible for him to attend to the whole of this College; he depended somewhat upon his subordinates.

Q. You spoke of the time when certain changes were made when Mrs. Robinson was dismissed; who was put in her place?

A. Mrs. Paul.

Q. Was she dismissed without notice, except that a vacancy was created?

A. There was no notice given her, to my knowledge.

Q. No reason assigned, and after her dismissal Mrs. Paul was put in her place?

A. Yes, sir.

Q. Then Mrs. Paul was dismissed in like manner?

A. Yes, sir; I think she was.

Q. Was that done on the same day of the dismissal of Major Smith?

A. Yes, sir.

Q. Miss Mitchell was elected in her place?

A. Yes, sir.

Q. Did you vote for Miss Mitchell?

A. I did not vote at all.

Q. It has been said here that nearly all the Board present voted for the reinstatement of Miss Mitchell.

A. I think that was not the case; there was a number, like myself, that did not vote upon that occasion.

Q. Did you ever, prior to the dismissal of Major Smith, hear that it was intimated that it was contemplated to dismiss him?

A. No, sir; I never heard any complaint made against Major Smith; the first intimation that I had was by Mr. Fry, who approached me upon the subject, by stating that the Major, having received a West Point education, was somewhat too rigid, and enforced too much discipline. I made the reply that it was a very good fault; that I felt that the discipline could not be too good in a place of this kind.

Q. The reason why I ask you the question is, that Mr. Coleman made some remarks, in his place, in Councils, that some three months prior he had been met in the street by a party who said that Major Smith was to be dismissed, and he said he understood not. Oh! yes, we have counted noses. I wanted to ascertain whether any other gentleman had heard this.

Mr. Cattell. How long have you been a Director?

A. Two years, and over.

Q. How often have you visited the College?

A. I can hardly answer that question. I have not visited it much since this last Board came in; previous to that I came out once in two weeks, and generally attended the Board.

Q. In answer to Mr. Smith, you said you had visited the various departments; went through all the out-buildings, I suppose?

A. Yes, sir; I have been in the out-buildings.

Q. What condition did you find them in? The general character of them; whether they were out of order or simply unclean, or very clean, or somewhat dilapidated?

A. At the time I visited them they were very clean; so much so that it struck me as a remarkable thing—that it was possible to keep them so clean. It appeared to me as if perfect cleanliness characterized the whole thing. It was two years ago; this last six or eight months I have paid no attention.

Q. When you came out here did you make it a practice to go into these eating rooms?

A. Not always.

Q. It has been asserted that they have been in a filthy condition, with pieces of bread and bones strewn about, and in an uncleanly condition generally.

A. My observation was quite the reverse; as much so as it is possible to state it.

Q. Have you been through the sleeping apartments, and noticed the condition of the bed clothing?

A. Yes, sir.

Q. How did you find them?

A. Admirable.

Q. How were the floors?

A. The floors were clean.

Q. I have asked the question of others. What is your idea of the duties of the President of the College? What do you think his duties are?

A. I think it is the duty of the President to have a general supervision in the management of the College. I do not think it is possible for any one man to enter into all the details of this thing. He must depend in a measure upon the reports of his subordinates. I think it is his duty to have it in his mind's eye to correct anything that he sees out of order.

Q. Do you think that he has fulfilled his duty?

A. So far as my observation goes I think that he has done it to a nicety.

Q. Have you visited the lock-ups?

A. That is one place I have not been at.

Q. Are you acquainted with the manner of punishment in the College?

A. Merely through the Committee. I have ascertained

how this matter is arranged; that it is necessary to put them in the lock-ups, and confine them upon bread and water.

Q. Did you hear any instance where boys have been confined in these lock-ups, and for how long? One instance, where one boy was confined some eight weeks, in winter, or somewhere about that time. Another one asserted that the boy has been confined there until his feet were frosted, and other unusual modes of punishment inflicted. Do you know anything of this?

A. Never heard the first word of it; it is all new to me.

Q. As one of the Committee on Discipline you would be likely to hear it?

A. Certainly. When I was not there I conferred with those who were there. I never heard of such a thing. It was certainly the duty of the President to report that thing to the Committee.

Q. Have you ever heard any of the complaints of parents about the manner in which the President discharged his duties, his cruelty to the boys, and the harsh treatment towards the parents?

A. No, sir.

Q. Did any of the friends call upon you?

A. No, sir.

Q. You stated, when you first took your seat, that you had no idea that politics were to control this institution.

A. Well, the first intimation I had was, in the very first caucus that was held. I found there was a disposition to cut off the heads of every one that was not a Republican. That was the first intimation I had.

Q. Did you know what Major Smith's politics were?

A. No, sir; I never did.

Q. Did any of the Board know?

A. I never saw Major Smith until I was elected a Director of the College.

Mr. Cattell. How did politics control the institution?

A. Well, at the time when I was first elected a member of this Board, and at the first caucus, I was told the Steward was placed there by Democrats, and that Mrs. Robinson was placed there also; and while they were in power they contemplated the removal of Mr. Field. I recollect, upon one occasion, that Mr. Cummings met us, and he made some intimation as to Mr. Smith, and lauding up President Allen. I

recollect making some observation to Mrs. P. that I did not like the proceedings, and that they were going to dismiss these people without cause; I did not care what their politics were.

Q. Were there any other charges than that of his not being a Republican?

A. No, sir; though his opponents acknowledged that he was well qualified for the position, and faithfully discharged his duties. No reason assigned.

Q. Was not there a question of his loyalty or disloyalty?

A. I think there was a question of that kind.

Q. Was not that the asserted reason?

A. That I do not know. That was the asserted reason, the real reason was to get one of their own class here.

Q. There was a caucus, you say, at which some intimation was made or some expression was given about Major Smith?

A. I took it it was in connection with his politics. It was only Mr. Cummings that introduced the name of Major Smith. I do not recollect any other gentleman but him.

Q. If the Democrats had been in power, do you think they would have elected you?

A. I doubt whether they would.

Q. Therefore politics have controlled the election of the Directors?

A. No, sir. I was elected by the Republicans, because it is known that I am a Radical Republican.

Q. I simply asked the question, if you were a Democrat would you not have been elected, therefore they have to a certain extent introduced politics into it? I condemn it. I believe the best men ought to be elected. I should not elect a Radical Democrat or Copperhead.

A. I do not know I should do that myself.

Mr. Littleton. You state something about your position becoming unpleasant and an intention to resign; will you state what was the cause of that?

A. Because I saw that parties here were disposed to proscribe people, because they were not of the same political creed of themselves, not on account of their inability to discharge their duty or unfaithfulness, and merely to put them out on that account. Since this last Board has been in I have avoided the meetings, it has been unpleasant.

Q. Do you think that is consistent with your duty?

A. Not exactly. I could not fraternize with men that acted in that way.

Q. Do you not think, admitting such to be the case, that a person taking the position, it is his duty at that time as well as at any other time?

A. I think that I have not done as I ought to have done. I could never overcome my feelings.

Q. How long has that been?

A. The last three or four months.

Q. You also spoke of rules being adopted without cause?

A. I do not think I made any reference to rules.

Q. How often have you visited the Household department?

A. Well, I cannot hardly tell, during Mrs. Robinson's time I used to come out here frequently; probably once every two weeks.

Q. Did you go through the Household department?

A. I have done so several times.

Q. Have you examined the out-buildings?

A. Yes, sir.

Q. Have you examined the privies?

A. No, sir.

Q. Never taken notice of them at all?

A. No, sir.

Q. Do you think politics had anything to do with the removal of the President?

A. I do.

Q. Do you not know that he is a Republican?

A. I do.

Q. Did Republicans remove him because he is a Republican?

A. They have raised a hue and cry that he is not loyal, that upon one occasion he refused to raise a flag here.

Q. Do you know anything of that circumstance?

A. I do not.

Q. Did you ever investigate it?

A. I merely questioned the Major himself about it, and that only recently. I had no knowledge only what I got from him, and that has not been a month ago that I spoke to him upon the subject.

Q. Did you hear it stated at the time the fact was said to have occurred?

A. Well no, I am not sure whether I was in the Board at

the time that it occurred. I think not, it was merely alleged against him afterwards.

Q. You were speaking of politics. If the President of the institution had refused to raise the flag of the country at the time of the celebration of the victories during the war, would you not think it sufficient cause for removal?

A. I should think it was.

Q. Would you not vote for his removal?

A. I think I would.

Q. You would not consider that connected with politics?

A. No, sir; a separate question from politics.

Q. Do you know anything of the chapel exercises?

A. Well, I have never been here on Sunday.

Q. Do you know whether the President instructs or teaches any of the classes?

A. I have never seen him when I was out here. I have seen him speak to them, read over service, or whatever you call it.

Q. You do not know whether he complied with the rules as to instructing?

A. No, sir. I cannot say.

Q. Did President Allen ever ask you to vote for him?

A. No, sir.

Q. Or to vote to remove Major Smith?

A. No, sir.

Q. Do you know anything about B——d's case?

A. I do not recollect it.

Mr. Harper. I wish to ask you sir, whether you know of any charge ever having been made by the Committee on Discipline and Discharge against the management of the College by Major Smith?

A. I never heard the first word, sir.

Q. Did you ever hear of any charge being made by the Committee?

A. Never.

Q. Did you ever hear any individual charge Major Smith with dereliction of duty, before the Board?

A. Never.

Q. Do you know whether Major Smith is in favor of corporal punishment?

A. I never heard him say.

Q. Do you know whether he ever made an effort to change the mode of punishment that had been adopted previous to his becoming President?

A. No, sir.

Q. At the time the preamble and resolutions were before the Board, was there any investigation made into the charges made in that preamble?

A. I never knew anything about it until it was presented.

Q. You did not stop to investigate whether they were correct or not?

A. No, sir; they would not hear to anything, but forced the question upon the Board.

Q. Have there ever been any charges made against Mrs. Paul, who was dismissed at the same time?

A. No; I never heard any particular charges made against her. She did not appear to give the satisfaction here her predecessor had done. I never heard of any particular charges made against her.

Q. You were on the Committee of Discipline and Discharge?

A. Yes, sir.

Q. Did you ever hear any complaints of these lock-ups?

A. No, sir; these cases that come under our notice appeared to be justifiable; there is no other way to treat the incorrigible.

Q. You would have heard of the bad condition, being on that Committee?

A. I think it is very likely.

Q. You never did hear of them?

A. No, sir.

Q. Do you know anything about who drafted the new rules under which the College has been administered?

A. I think Mr. Roberts was one, Mr. Boswell is another. I do not know who the others are.

Q. Do you know whether they consulted with the President in relation to these rules?

A. I do not think they did.

Q. Do you know whether they consulted with the Secretary?

A. That I cannot say; I really do not know.

Q. There has been a complaint, that in the dismissal of Major Smith, that politics were introduced. How do you

reconcile the fact that he is a Republican, and that he was dismissed by Republicans—that politics was the reason of it?

A. Because he was placed in the position here by the Democrats when they were in the ascendant.

Q. You think upon that question that he was dismissed?

A. I think that is the reason, and the only reason.

Mr. Martin. Did Mr. Moore have a conversation with Mr. Roberts just after Major Smith's removal?

A. Yes, sir.

Q. What was the purport of it?

A. When the Board was through, and we were about leaving the room, Mr. Roberts spoke to him, saying: "Why have you acted in this manner? It was discourteous, inasmuch as you would not say anything to a respectable minority. I considered the treatment of Major Smith both cruel and barbarous, and I stated the fact, that I was the President of an institution in this City, where I think I both efficiently and faithfully discharged my duty, and if the Board of Direction would meet to discharge me from that institution as they did Major Smith, I should think that it was one of the most barbarous and unjust things that they could do." And he replied: "I will treat him as he has treated me." "How was that?" said I. "Well, I am not going to say." And he left me.

Q. The supposition would be, that it was a personal matter that influenced Mr. Roberts?

A. That I do not know.

Q. Have you any intimation what that treatment was?

A. I do not know.

Thornton Conrow, affirmed.

Q. By Wm. F. Smith, Chairman. How long have you been a Director?

A. About four months.

Q. Be kind enough to state to the Committee, here, what you know about the facts that have been testified to in reference to Major Smith.

A. I have been connected with this Board such a short time that I know very little about the affair; when this question came up before the Board, upon Mr. Smith's suspension, I voted for Mr. Smith.

Q. You voted against the dismissal?

A. I did, sir.

Q. Did you vote against the dismissal of the Matron?

A. I am not positive whether I voted that way or not; it is my impression that I did.

Q. Did you vote for Miss Mitchell?

A. I did not.

Q. Do you know anything of these lock-ups, and these boys that have been put there upon bread and water?

A. I have visited these lock-ups since our last meeting, in September, not before.

Q. You know nothing of your own knowledge?

A. I have visited these since the vacancy occurred.

Q. But previous to it, you do not know anything of the circumstances that are charged of boys having been put in there upon bread and water?

A. I do, since the election that day.

Q. You know of boys being put there?

A. Yes, sir; there were boys there upon several occasions since; we talked with some that same day we went through; they said they were visited twice a day, and supplied with bread and water upon these occasions.

Mr. Littleton. Do they have a sufficiency?

A. They said nothing to the contrary.

Q. By Wm. F. Smith, Chairman. What is the condition of the lock-ups that are in Building No. 2?

A. They are vacant rooms, with a bed; one of them had one or two chairs.

Q. It has been alleged that the effluvia in one of them was very bad?

A. The ventilation in one of the rooms was bad.

Q. And that the boys had no place in which they could urinate?

A. They had none to my knowledge.

Q. Have you ever been called upon by mothers in regard to the treatment here (of their children)?

A. I have not.

Mr. Littleton. Did President Allen ever ask you to vote for him?

A. He did not.

Q. Did he ever ask you to vote against Major Smith?

A. No, sir.

Q. You spoke of visiting the lock-ups, and of their unpleasant condition; what was that condition?

A. They were in a good condition.

Q. In what condition was the atmosphere?

A. The atmosphere in No. 1 was bad.

Q. You perceived nothing unpleasant in the others?

A. No, sir.

Q. Mr. Harper. I wish to ask you whether you heard any charge made by any Committee against Mr. Smith?

A. No, sir.

Q. None by the Committee?

A. No, sir.

Q. Did you ever hear any individual make a charge against Major Smith in the presence of the Board, or to the Board?

A. No, sir.

Q. How long have you been a Director?

A. About four months and a-half; as Mr. Moore remarked it (the change,) being a political matter, I never looked upon it in that way; I did not see how it could be; I always considered that politics had nothing to do with it.

Q. Mr. Littleton. Did you think so at the time?

A. I thought it had not.

Mr. Harper. Were you present at the time of the dismissal?

A. I was, sir.

Mr. Littleton. Do you think the Board was actuated by political opinion?

A. Not to my knowledge.

Mr. Harper. Were the charges contained in the preamble and resolutions ever investigated?

A. Not to my knowledge.

Q. They just brought charges without any investigation?

A. In fact there were no charges brought; well, there were no charges that could be called charges; the resolution was offered to have a vacancy declared, to take effect the 1st of November; some of them thought it was ungentlemanly that the matter should be pressed to a vote that day, and that it should be delayed for one month.

Q. What I want to know is, whether these charges, which the preamble and resolutions professed to contain, were ever investigated?

A. There were no charges offered.

Q. You do not understand me. That is a charge.

A. I do not so consider it. The subject of general incompetency was mentioned.

Mr. Harper. That covers the whole ground.

Mr. Wm. F. Smith. The presumption would be that the gentlemen felt it to be their reason, and thus they voted against it or for it, one way or the other?

A. Yes, sir.

Mr. Harper. Did you make any request that charges should be preferred before his removal?

A. I did, sir.

Q. Did you ask for a postponement?

A. I did, sir; I asked for one month; I did not think they were using the new members well, who had just come into the Board, when we were not prepared for the question; at least I was not.

Q. They refused to comply with your request?

A. Yes, sir; at that time I was not satisfied, and I could not vote upon this matter.

Q. Did you see President Allen before his election?

A. I have never seen him, excepting in public; never was introduced to him until the day of his inauguration.

Mr. Stokley. I think I understood you to say you voted against the dismissal; did you not state at the time, and object, and give the reason that you had been a member so short a time?

A. I do not know.

Q. Did you not ask to be excused from voting?

A. I do not know.

Q. Did you not beg to be excused because of your being in so short a time?

A. I objected to voting upon that day; I asked for one month's time.

Q. Then upon the motion to postpone, did you ask a month's time?

A. I do not know.

Q. Why did you not vote for the motion to postpone.

A. I do not know.

Q. I understood you voted against the motion to postpone?

A. Well, the thing was hurried along pretty sharp, and I might possibly have done so; I do not know.

Mr. Stokley. If the Minutes were here, I think they would

show that you did not vote at all, and that you voted against the motion to postpone. I think the records will prove this matter.

Mr. Wm. F. Smith, Chairman. I have the vote, in which Mr. Conrow is set down as voting in the negative.

A. I did not consider myself prepared that day to vote either way, and would have preferred to have the whole matter postponed.

Q. How often had you visited the College?

A. I was here at about every meeting. I had been out here about half-a-dozen times.

Mr. Heaton recalled.

Mr. Littleton. Did you, under President Smith, introduce any improvements or additions in the course of instruction in the College?

A. The President introduced the Class of Honor here, sir; placing the names of the boys of a few classes into frames, producing a spirit of emulation among them.

Q. Did you say the Latin language was introduced?

A. Yes, sir; it was at his suggestion that the Committee took the matter up, and passed upon it unanimously.

Q. Did the President suggest any daily correspondence between the household officers and the teachers?

A. I have the impression that he did, sir; I cannot recollect the fact.

Q. Do you know anything of his opinion as to the rule of punishment by teachers, and the efforts made to have it altered?

A. Yes, sir; he was opposed to the system of punishment as recommended by the rules, and made an effort to have it altered. He was not successful.

Q. The rules require it (punishment) to be made in his presence?

A. Yes, sir.

Q. What did he desire to have?

A. That the President should not be called upon to be present.

Q. In other words, that the teachers should have the right to administer it themselves?

A. Yes, sir.

Q. Did the teachers say anything about this to you?

A. I cannot hardly say distinctly, or answer that question positively. The teachers objected—several of them—to various changes made in these rules, at the time that the rules were first made. In my visitation to the schools they spoke of the subject, but I cannot recollect now what particular objections they raised upon any particular point.

Q. Do you know whether they objected to being obliged to call upon the President?

A. I am under the impression that that was one of the objections. I am not positive. I ought to be. They represented that that interfered with the effect of their discipline.

Q. Had President Smith any opportunity to know these rules until they were in print?

A. None whatever.

Q. Did he propose to you any changes in them?

A. He did, sir.

Q. Were any of them adopted?

A. Some of them were adopted. Some amendments were adopted to the code of rules by his suggestion, through me; some were negatived.

Q. Did he give you Professor Becker's paper, with the view of bringing it before the Board in that shape?

A. I think not, sir. He handed me the paper. I remarked that I should place the paper in the hands of the Board. He made no objections to it, and I gave it to the President of the Board, and it was read by the Secretary.

Q. To whom was that remonstrance addressed?

A. I think it was addressed to the President of the College. I am not positive.

Q. Do you know anything about President Smith's report upon Dr. G——t?

A. It was adverse to his qualifications.

Q. He was rejected?

A. Yes, sir.

Q. Had he been on trial?

A. Yes, sir.

Q. By whom was he nominated?

A. I cannot recollect.

Q. As to Professor S——s' qualifications. What do you know of him, his nomination and election?

A. Well, that would open up a matter which I hardly think would have any relation to this subject. I cannot say.

The President's examination of Professor S——s was perfectly fair. There were several applications for the position, and there were one or two members of the Board, and the President himself, who were impressed with the idea that Professor S——s was unfitted for his position. A series of questions were submitted to the Committee by the President, to be submitted to each of these gentlemen who had applied for the position here as Professors. These questions were adopted by the Committee. They were then propounded to the Professors, and the President, in the presence of the Committee, examined and analyzed a thesis of each one of these gentlemen; and although I knew that he was opposed, from causes which he bore against Professor S——s, still, when he presented his thesis, it was so admirable, that he had to say that it was his opinion that Mr. S——s had presented the best thesis, and was the most capable man that had applied.

Q. Was that judgment approved by the Directors?

A. It was approved by the Committee, and subsequently by the Board.

Q. He is now Professor here?

A. Yes, sir.

Q. Do you know anything about the boys being afraid of the President?

A. I have visited, in company with the President, the various school-rooms at different times; I never saw anything like fear evinced by any of the boys. I have seen, on the contrary. I have seen a disposition for an exhibition of affection. I do not remember of seeing manifested anything like a spirit of disobedience to his rules or wishes. I was struck on several occasions with the friendly manner in which the boys would approach him, and rather cling to his garments; especially the younger boys.

Q. Do you know anything about the system of punishments under any previous administration?

A. I was a Director here when President Allen was President of the College. Although I never saw any boy chastised, I always understood they were whipped for causes; but I never heard any complaint made against Major Smith for any mal-treatment of boys, until after his removal.

Q. Do you know anything of a system of seclusion or confinement?

A. No, sir; I am not on that Committee.

Q. Do you know of seclusion being practised under Major Smith, or under any previous administration?

A. I do not know about it.

Mr. Littleton. Do you know whether they existed or did not exist?

A. I do not.

Q. Did you ever hear any complaints as to the modes of punishment prior to Major Smith's assuming the Presidency? Under Mr. Allen. or under any previous administration?

A. Well, it is a long time; it is several years.

Q. While you were here, under any previous administration, did you ever have any cause to complain of cruelty or undue punishment?

A. No, sir.

Q. Can you state to us anything about the conversation which occurred between you and Major Smith as to Mr. Roberts, about the term grocer being applied by Major Smith in a supposed disrespectful manner to Mr. Roberts?

A. No, sir. I beg leave to state that Mr. Smith mentioned to me that he had alluded to Mr. Roberts, and, I believe myself in the same category: "That one being a grocer and the other an iron-monger, that it was not to be expected that they would have as much knowledge as a person whose business it was to conduct an institution of this kind;" with which I fully agreed.

Q. Do you understand your name to have been connected with Mr. Roberts?

A. Well, sir; I believe it was coupled with it.

Q. And the criticism applied equally to you?

A. I did not consider it a criticism; I considered it a just observation, that a President of an institution like this had a much better knowledge of the duties that he had to perform than I had; in that while, as a man of business, there were certain things to do that I could attend to, that he could attend better to his department than I could, and in that sense I thought his remark just. I did not consider that it was made in an invidious spirit.

Q. You did not hear any other remark?

A. No, sir.

Q. Mr. Wm. F. Smith, Chairman. What caused the remark?

A. I do not know, sir.

Q. Yourself and Mr. Roberts were brought together. It had something to do with the rules?

A. Yes, sir.

Q. You were one of the Committee on Rules?

A. No, sir.

Mr. Littleton. Did Mr. Foust state to the Board that he knew all about the boys having permission to leave?

A. Oh, yes, sir! He made explanations to the Board.

Q. Was that his objection?

A. Yes; I understood him so to say.

Mr. Harper. Allusion has been made to the conduct of the institution here, under Mr. Allen. While you were Director was there ever any fault or complaint found?

A. Considerable, sir, when I was here before; but I considered at that time that the faults were raised by persons who had prejudice against him—more of a political character than any other reason. The impression is, that the administration of Mr. Allen for the last year was not as satisfactory to the College as it would have been if he had the co-operation of the Board of Directors.

Q. Do you think it is necessary for the Board of Directors to co-operate in a proper spirit to give a thorough discipline to the College?

A. Undoubtedly.

Q. Do you know whether Major Smith advocated corporal punishment?

A. No, sir.

Q. Did you ever hear him speak of it?

A. I have heard him say he was opposed to it, but that he saw the necessity for it after he had been here awhile.

Q. The reason of this was because many of them were bad?

A. Yes, sir; it is very natural, for the boys in this institution are not of a grade equal to that of any ordinary school. That must strike the comprehension of any one. A man dying, and leaving three or four sons; the rules of the College forbidding the entrance of more than one of a family in the College, the most intelligent, the most docile, would naturally be selected by the friends who had the care of them; while the most stupid, or the most vicious would be naturally assigned to the College. That is one reason why the class

of boys here cannot ordinarily equal in intellect and in temper, in my opinion, that of any school in the country.

Mr. Littleton. The Directors have no right to make a selection ?

A. They are bound to take them as they come. The rule is, if the lad is in good health physically.

Q. Any child with physical qualifications you are obliged to take, and within a certain age ?

A. Certainly. If they find the boy is entirely incompetent, if he is an idiot, they do not take him.

Q. Did you ever hear of any undue punishment by Major Smith, or under his instruction ?

A. Never, sir. It was the duty of the Committee on Discipline and Discharge to report to the Board any case that might occur, but to my knowledge there has no such report ever been made.

Mr. Littleton. Did the present Board of Directors co-operate with the President harmoniously ?

A. I think not.

Q. You think it better that they should ?

A. I think so.

Q. Has that been the case previously ?

A. I think in many cases they have not shown justice. I will instance it by stating that one of the rules that govern the institution (of the code of rules) makes it necessary for the Steward to make a monthly report to the President of the institution. The Steward failed to do that for months, although requested by note and personally by the President. Frequently he made no response, until the President was obliged to bring it before the Board. I think if a proper spirit had prevailed that the rules would have been maintained by the advice of the individual members without the necessity of appealing to them directly, in an infringement of that kind.

Q. What was done in that case ?

A. The Steward, I believe, since that time has made his report.

Q. Was there any action taken upon it ?

A. No, sir. No censure.

Mr. Cattell. I believe you said that in case of severe punishment by the President it was the duty of the Committee on Discipline and Discharge to report it to the Board ?

A. Undoubtedly.

Q. How were they to know that fact?

A. I suppose if there were none to report they could not know. The Chairman said that he had been approached by mothers, and the Committee should have instantly investigated any charge of that kind, and having done so, and finding it true, they should have reported to the Board.

Q. Punishments were inflicted in the presence of the President?

A. Yes, sir.

Q. They do not wait for the action of the Committee on Discipline and Discharge?

A. They have no other means.

Q. How are the Committee to know of the punishments?

A. Perhaps through the mother.

Q. Did the Committee on Instruction introduce Latin before it was authorized by the Board?

A. Yes, sir.

Q. It was by order of the Committee?

A. Yes, sir. It was done before we were authorized; it was a matter of form that I had overlooked, that all new studies should be submitted to the action of the Board before finally adopted.

Q. No wilful violation?

A. No, sir; none whatever. I am the offending person in that particular.

Mr. Haines, recalled.

Q. Mr. Littleton. Who made the explanation of the boys going home at Christmas?

A. I found out this thing had occurred, and it was against the rules, and when Major Smith submitted his report and asked for questions, I got up and asked Major Smith why this thing had occurred, and he stated it was done because it had been customary.

Q. Did Mr. Foust say anything about it at that time?

A. I think he said he knew of it. The question was asked of Major Smith by me.

Q. Was there a formal resolution of inquiry by the Board on Dismission?

A. There might have been. The minutes will show that.

Q. Had it occasionally been customary to let boys out?

A. The President so stated to the Board, when I asked him the question, that he allowed the boys to go home because it had been customary, although it was a violation of the rule.

Q. Do you know when the rule was adopted?

A. It was the old rule.

Q. Prior to that had it not been customary?

A. So President Smith stated. It was the first time it had occurred since I was a member of the Board.

Q. Was President Smith's explanations in his written report to the Board?

A. It may have been, probably it was.

Q. Was it not after that that Mr. Foust explained it?

A. I think it was upon the day that I made the inquiry of Major Smith.

C. R. MORGAN, M. D.,
Sworn Reporter.

November 26, 1867.

Charles E. Lex, sworn.

I voted in the negative upon the question to remove Major Smith, because no reasons were assigned for making the place vacant. I saw no necessity for the change. I believed the Major was, to the very best of his ability, endeavoring to discharge his duty then. That he was competent to fill the office, and that the interests of the College were safely to be left in his hands; and I considered it detrimental to the best interests of the College that he should be removed.

Let me say, once for all, that in my intercourse with Major Smith, which has been intimate and close, more particularly since I have been President of the Board of Directors, I have found him at all times deeply solicitous to advance the interests of the College; it seemed to be the one subject of his thoughts; saw me very frequently, and when I endeavored to draw his attention to other things, he came back voluntarily to the College, asking me about its management and affairs, and seemed fully aware of the responsibility of the position which he occupied.

I would further state, in the testimony which I am about to offer, that I have the kindest feelings towards his succes-

sor ; have known him for a number of years, and esteem him very highly ; and I think it may not be improper to state, that I shall endeavor to uphold him in his authority, and shall look with as much jealousy to an attempt to remove him as to the removal of Major Smith.

When I take up the administration of Mr. Allen, and review it in connection with Major Smith, I want to be considered as not intending to reflect upon it as from a want of ability, but merely to show, as I think I can show, how a little prejudice, growing out of a particular state of facts, will operate against an individual in connection with the position which he keeps in the College.

Major Smith, so far as his intellectual qualifications are concerned, so far as his educational abilities go, I consider a highly educated man. He cannot be called a polished scholar. These qualifications of his were abundantly tested in three examinations which were held under his direct supervision, of two of the most important places in the College (Professorships,) and in case of a lady who was to act as teacher there. The questions which he proposed to her showed an extent and variety of learning beyond, I must say, what my first impressions give me of his mental ability. I found him a highly educated man, and until then, could not fully comprehend what our West Point education really was.

As to his ability as a disciplinarian, he was firm but not harsh—that is, in the worst sense of the term, neither harsh nor cruel, but decided in his administration of the discipline of the College ; and now what the effect of that discipline was, I propose to show in a very few important figures which I have before me.

From the operations of the Board for the year 1862—and I have them, also, from the year 1851, at which time the Committee on Discipline and Discharge had its origin, then called the Committee on Morals, which held its first meeting April 8th, 1851. I have the statistics of the number of scholars in the College ; the number of those who were expelled and also the number of those who died, or whose indentures were cancelled :—

Year.	Population.	Expelled or dismissed.	Per cent.
1851.	300	4	1.33
1852.	295	3	1.
1853.	295	23	7 $\frac{3}{4}$ and a little over.
1854.	300	9	3.
1855.	300	4	1 $\frac{1}{3}$
1856.	300		
1857.	295	3	Less than 1
1858.	350	2	Less than half.
1859.	325	10	or a little more than 3.
1860.	340	4	1.
1861.	375	23	6.
1862.	400	11	3.
1863.	470	35	7 $\frac{1}{2}$

From the 1st of June the reports of the Board of Managers do not give us in 1863 the entire data which I would like to have. I have looked carefully over the minutes of the Board of Directors; I find that the average for the year 1863:

470	35	$7\frac{1}{3}$
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This is according to the minute book, and not 48,² according to the stated declaration from July to the 1st of January. I cannot give you from the report of the Board of Managers; I cannot tell you whether some of these were old cases or not; I have given its worst aspect:

Year.	Population.	Expelled.	Per cent.
1864.	554, 563 at the end of the year.	30	5.04
1865.	536	8	1.75
1866.	497	8	1.75
1867.	492	8	1.75

The Major's highest average was in 1863, $7\frac{1}{2}$ per cent.; in 1864, 5.4 per cent.; a little over 6 per cent. in 1861, and the three last years have been 1.75 per cent., 1.75 per cent., 1.75 per cent.

I have here the minutes of the Committee on Discipline and Discharge, from the commencement of the College down to the end.

Now the records of this book show that the same crimes, the same offences were committed during Mr. Allen's time, during his administration, just in the same way as it occurred during Major Smith's.

I have not ventured to call your attention to some of the actions, but I want to call your attention to some of them.

As to the charge of taking money, thieving for instance, you will find under the date of July 1st, 1853, a variety of boys, one of whom appeared for various offenses, particularly of stealing money from officers; another, receiving money from the other, knowing it to be stolen. They were of course expelled.

That is only one specimen of the charges under the head of thieving. There are others which it is unnecessary to give here.

As to arson, there were two cases in which it was committed during Mr. Allen's time; one in 1854, Jan. 10. The President informed the Committee that No. 2 had been set on fire; and the Committee proceeded to examine into the facts. They had the boy before the Board, but I am unable to find whether any definite action was taken.

In 1861 two boys were reported by the President, who had been detected in setting fire to building No. 4. They were ordered to be dismissed.

Mr. Stokley. They were expelled?

A. Yes, sir.

Mr. Lex. On page 121 there is evidence of insubordination of the highest character.

Mr. Stokley. Who was President at that time?

A. Mr. Allen. There were a number of boys who were in readiness to be bound out; upon the list were applications for from one, to three, four, and eleven masters, and the entry is this: They could not be filled, because they would not take the places.

Mr. Wm. F. Smith, Chairman. What is the rule in such cases?

A. I do not recollect that during recent times cases where boys have refused at once in a mass.

Mr. Littleton. As I understand the system, these places were offered, and no boy was compelled to accept, unless he was willing to do so?

A. There was no absolute rule.

Mr. Cattell. Is that not an evidence that it was a good home for them there?

Mr. Littleton. There was no rule, because they had the option.

Mr. Lex. In 1855, Committee in session, a communication was received from the President, informing them that a pupil had assaulted a Prefect in the discharge of his duties. He was recommended for dismissal.

Q. The records do not show the age?

A. No, sir. At the next meeting of the Committee, nine other boys were brought before it, for the offence which was brought to the notice of the Committee at the last meeting. The case of assault and stabbing, nine boys were engaged as perpetrators of the offence. Three of them were ordered to be expelled, five of them ordered to be put on probation; they have omitted one boy for some reason or other. Now there were grades of offences which are equally serious, which they were charged with, as for instance, a serious offence against morals.

Mr. Littleton. Is there any case like the one reported?

A. No, sir. Besides that, Mr. A——y has been very careful not to put these on record. There is one case of malicious mischief reported. The House of Refuge was resorted to in those days. On the 8th of February, 1854, I find an entry to this effect: The Chairman was requested to report to the Board the case of * * * * who had absconded from his master at West Chester, and recommended that measures be taken to have him placed in the House of Refuge.

Mr. Smith, Chairman. He had absconded from his master?

A. Yes, sir; I do not know whether he was on trial or not; but in 1858 he had absconded; he had absconded three times; gone over the wall. They found the necessity of doing something, because it appears in January, 1858, it was on motion that the case of ——be referred to the Board, with the recommendation that he be sent to the House of Refuge, and that in their judgment they were competent to do so.

Mr. Stokley. You will remember that the Inspector came across a couple of boys in the country, that were very much abused, so much so that the neighborhood was indignant at it.

Mr. Lex. This took place before the cases were investigated. I was not a member of the Board during the time of Mr. Allen, therefore I only know what I get from these records, that is all.

In 1852 there was a case brought up relative to a Prefect, for improperly punishing a pupil ; in 1852, in the same month, three or four days after this, was brought up and heard before the Committee ; it was resolved that the President be authorized to restore the Prefect, if, in his judgment he do so on the pledge of obedience to the rules of the institution.

Mr. Harper. Do you know whether he did restore him or not ?

A. I do not know. I only want to show the action was the same as in a case I want to call your attention to hereafter.

Now, as to the individual cases of cruelty, I will take up one or two of them. G——e B——d, whose feet are said to have been frosted ; he was before the Committee on Discipline and Discharge, with his mother ; and an appreciation of the conduct of his mother will be best seen by the entry which was made by Mr. Foust, who was the Chairman of the Committee. Mr. Gill, Mr. Rhoads, and myself were present at this meeting ; three of the gentlemen connected with the majority. “G——e B——d, general bad conduct ; put on “probation, and not to be permitted to have access to his “mother, unless in the presence of an officer.” That is the entry in relation to him. Afterwards, that same year, (this was the 12th of March, 1867,) she applied (she seemed determined to have the boy away from the College,) again to have his indentures cancelled. The Chairman submitted the application for that purpose ; on motion of Mr. Haines the application was refused. “That whereas, the best interests of the College will be subserved by expelling this boy.”

“Therefore resolved, that the boy be expelled.”

Mr. Cattell. You spoke of the appreciation of the mother. Do you suppose from that record, or is there anything else to show that the mother was bad, or encouraged the boy to be bad ?

A. She was so abusive and violent.

Q. She made no charge before the Committee, at all ?

A. Never. She made a charge that the boy had been punished some few weeks before. I think it was a month or two before.

Mr. Harper. Were you present when his body was examined ?

A. Yes, sir.

Q. Did you find any marks or evidence of violence ?

A. No, sir.

Q. Did you find any marks of beating ?

A. No, sir.

Q. How long after that was it said he had been whipped so severely ?

A. I want to say to you that I find I attended every meeting, save one, of the Committee on Discipline and Discharge, since I have been a Director of the College. Since July 1st, I have had a variety of cases, and of course, my recollection is not infallible, I can only remember. My impression is that the whipping had taken place a few weeks before ; she was very free in her denunciation of the whipping. The boy was exposed, she never said a word about frosted feet.

Mr. Littleton. Was that afterwards ?

A. He was afterwards expelled upon motion of Mr. Haines, at the next meeting of the Board, I presume. She never said a word about that, (frosted feet :) She was exceedingly anxious to get the boy away from the institution. She had a very long tongue, and a very disagreeable one too. Now, Mr. Foust stated in his examination, that, (if I understood him correctly, and of course I want to be corrected when I am wrong in this as in everything else,) that he was a member of the Committee on Discipline and Discharge during Mr. Allen's time, and for two years that Committee was not called together.

Mr. Littleton. He said that there were no cases of discipline brought before the Committee.

Mr. Lex. I will show you now, as far as the records will show, his attendance. He appeared at the meeting of the Committee, first in July ; at the meeting held November 14, 1860, he was not present ; November 26, 1861, not present ; February 7, 1861, not there ; April 10, not there ; May 3, 1861, not there ; May 17, 1861, not there ; June 12, 1861, he was not there ; and he again resumed his duties in August, 1861.

Q. Any cases of discipline in those meetings ?

A. Yes, sir ; because during the year 1861, there were twenty-three boys expelled.

Mr. Stokley. Did you find that those cases were referred to the Committee on Discipline and Discharge, or could these boys be expelled without referring ?

A. No, sir.

Mr. Littleton. Before this meeting were there any complaints of any parents?

A. I do not know; I will look. Yes, there is one for desertion; here is another occurred of theft, and dismissed; another absconded three times, and dismissed.

Q. Were there any cases of complaints of parents, as to harsh treatment?

A. I think that will be seen. No, sir, I do not find any. Nor do I know of any during Major Smith's time, that I am aware of; they would appear upon the face of the minutes of the Committee on Discipline and Discharge.

Q. Mr. Foust was speaking of the time when he was there with Mr. Allen, with reference to the complaints of parents and friends, and that there had been none during that time.

Mr. Lex. Now in relation to the expulsion of the boy who was said to have been taken out of his bed at night and whipped by a Prefect. I was not a member of the Board when that took place. I did hear that before I became a member of the Board, and so far as I heard of it, I heard it was charged upon another officer of the institution. The matter was before the Committee on Discipline and Discharge. The records will show that they had one or two investigations of that case; finally they reported the whole of the testimony to the Board, with the resolution of expulsion. The boy at that time had been sent to his mother for some purpose or other, and she would not let him return, and finally they recommended his expulsion; they gave all the evidence to the Board.

Mr. Stokley. At whose recommendation was he expelled?

A. At the recommendation of the Committee on Discipline and Discharge.

Resolution was offered, after taking the testimony of Mrs. R——n and Mrs. W——h, which was read before the Board, that his indentures be cancelled; which was not passed and a resolution was offered that he be expelled. This resolution was adopted with no censure of the Prefect or of the President, and in the Board at that time, as Republicans on that occasion according to the list, Messrs. Boswell and Foust were present that day, Sharkey, Devine, Bowers, and Mr. William Neal, all Republicans, who voted for the boy's expulsion.

Mr. Harper. Did they expel him?

A. Yes, sir.

Q. Mr. Stokley. Was this boy expelled by the request of the President, or not?

A. No, sir; by the recommendation of the Board.

Mr. Harper. As I understand it, the Committee on Discipline and Discharge recommended that the indentures be cancelled, but the Board took action upon it, and expelled him?

A. Yes, sir.

Mr. Littleton. Was there anything done to the Prefect?

A. No, sir; nothing at all, nor any censure.

Q. Was it a case of undue punishment?

A. I do not know, I cannot tell you. I merely tell you what the records tell me. Now, in relation to the fate of Mr. S——n, after I became a member of the Board. The President, by resolution, was desired to send in the names of all the officers whose appointments had not been ratified by the Board. Mr. S——n's name was sent in, I am not certain whether it was the first or second meeting of the Board. The Major was asked as to his character, and he said, decidedly and distinctly, that he could not recommend him, could not endorse him. I think it was at the first meeting that the ratification was postponed until the next meeting of the Board. So the minutes tell me, after a violent effort was made. I did not think he was a proper officer out there. Mr. Foust voted for him, also Mr. Boswell, and Dr. Maybery. The plea was that it would be a cruel thing to expel the man and deprive him of a character. The motion, by a vote on the part of the Board, was put over in the hopes that he would resign. He did not resign, and either at the first or second meeting, I am not certain which, I know the Major was emphatic in his remark. S——n was confirmed by a majority of the Board.

Mr. Stokley. By whom was he appointed?

A. I cannot tell you that; I found him there.

Q. Who had power to appoint him?

A. The President of the College.

Q. If he had the power to appoint him, would he not have the power to expel him, and report the fact to the Board?

A. Yes, sir.

Mr. Littleton. When did this man leave, Mr. Lex?

A. He was in very bad health, and that was urged as an additional reason for keeping him.

Chairman. His nomination was confirmed?

A. Yes, sir.

Q. Then how long did he stay?

A. I do not know.

Mr. Stokley. You have the minutes of the confirmation?

A. Yes, sir.

Q. Who voted for the confirmation?

A. He was by them confirmed, May 10, 1865; I think Dr. Sites moved that the consideration of this case be postponed until the next meeting. Burnell, Hays, Haines, Kichline, Martin, Sites, Smith, and Vaux, the President, voted aye.

Messrs. Boswell, Foust, Gill, Heaton, Lex, Dr. Maybery, Simons, and Trego, voted nay, and it was agreed to.

Now, on June 8, 1865, the next meeting, he was confirmed by the votes of 7: Messrs. Burnell, Hays, Kichline, Martin, Nebinger, Sites, and Vaux.

Nays—Messrs. Boswell, Foust, Gill, Heaton, Lex, and Simons.

Mr. Stokley. Party lines were very distinctly drawn there again.

Mr. Lex. Now, Mr. Boswell, I think, spoke something about Messrs. P——s and B——y, two Prefects, who were dismissed by the President, as he supposed, in violation of all rule. I merely know this from the minute book; in this case, four members voted aye: Messrs. Burnell, Devine, Jones, and Kichline; it was not agreed to; in 1864, Mr. Boswell made a motion that the further consideration be postponed; this was not agreed to.

Mr. Harper. What month is that in?

A. June 13, 1864. Mr. Remak's motion being before the Board, the ayes and nays were called for, when Mr. Boswell alone voted nay.

Mr. Littleton. Had not these gentlemen been long officers of the College?

A. I believe they had.

Q. Do you know what they were discharged for?

A. No, sir.

Mr. Harper. I would like to ask you, whether he could suspend the Prefect.

A. Oh! yes; he had the right to suspend at any time; he was appointed, but had not been confirmed by the Board.

Q. I speak of the previous one of Mr. S——n?

A. Oh! yes; he could have suspended him.

Mr. Stokley. If he had power to suspend a man previously to or after confirmation, he had power to suspend one of his own appointment that had never been confirmed?

Mr. Harper. I wish to call your attention to this fact, in relation to this matter; I think you state in this testimony, in relation to this Prefect, Mr. S——n, that Major Smith stated he could not recommend him for confirmation?

A. No, sir.

Mr. Stokley. That is the reason I stated the point; why did he raise the point to sustain him; in the other cases he suspends before they had been confirmed by the Board.

Mr. Lex. Now in relation to Mrs. L——n?

A. She was suspended, I think, (I am pretty certain she was,) by order of the President for complaining of her treatment.

Q. When was that?

A. December 14, 1864.

Q. After you were in?

A. Oh! yes, sir; she wrote what I considered a sauey note, and I was informed also, at the time, which operated upon our action, that she had used very bitter language at the table of the Matron; the offence, so far as I could learn; I was merely speaking of what I could learn; which I do not think was in an interview which she afterwards had with me, very materially altered; I have no positive recollection what she said at this interview; there was a pillow case given to her, which had the words on it, Girard College; this was a new one, and these words were eaten out, by the indelible ink [so I was told]—(I merely mention what took place in the Committee,) and a fresh piece had been inserted in it; that I believe was alleged to be the foundation of this complaint, which she made; she called upon me in relation to the matter, told me the affliction she had been under, after this matter occurred; I think it was. I suggested to her I recollect, or to her friends who spoke to me about the matter, I thought the affliction ought rather to have had a different effect upon her; ought to have prevented her from writing a note of this character, and indulging in the senti-

ments which she did. The interview, however, amounted to nothing; she was giving me a list of her grievances, of her goods being turned out into the entry; and probably stated that the clothing was ragged, though I cannot remember positive about that.

Mr. Stokley. What was the language she used at the table? What was the subject upon which she spoke?

A. If my recollection serves me, Mr. Chairman, she rather made her grievances a matter of conversation at the table; so I was told.

Q. As against the Matron?

A. Yes, sir.

Q. Did not all her bed linen undergo a change? Was it not all changed while she was away?

A. That I do not know anything about, at all.

Mr. Stokley. Her boy went into the army a very strong Democrat, and through the action of General McC——n he changed his politics, and on that account Mrs. L——n used to speak very freely, and hence she raised the ire of Mrs. R——n, the Matron?

A. I do not know anything at all about that.

Mr. Stokley. I knew the boy when he was a boy—knew all about him—knew about him when he came home; and after the battle of Fair Oaks I had a conversation with him on my pavement. He raised a doubt about the loyalty of General McC——n; he did that upon my pavement on Eighth street, below Arch. She spoke of these things, and hence all took offence.

A. I never heard of that version of it; I am only stating what came to my knowledge. The action of the President was sustained. A motion was asked for to inquire into the circumstances, and report to the next meeting, but it was voted down.

Mr. Smith, Chairman. Who was President of the Board of Directors then?

A. Mr. Vaux. On the resolution of inquiry the vote was: Messrs. Boswell, Heaton, and Trego, aye; Messrs. Burnell, Foust, Fox, Kichline, Lex, Martin, Maybery, Nebinger, Sites, Smith, and Vaux, nay. I voted against it. On Mr. Nebinger's motion, the ayes were called for, and proved exactly as before, with the exception of Mr. Trego; nays; Messrs. Boswell and Heaton.

Mr. Stokley. Which was removed first, the Matron or Mrs. L——n?

A. Mrs. L——n.

Q. Did you ever remember of hearing such a remark, after the removal of Mrs. L——n, by a certain Director in that College, as—“Now that I have got Mrs. L——n out, I am going after that other b—h?”

A. I do not know.

Q. That is what I asked you; if Miss M——l was not removed before Mrs. L——n?

A. Yes, sir.

Q. And then the remark was made in reference to Mrs. L——n: “Now the Matron has gone, I am going after that other b—h” [Mrs. L——n]?

Mr. Smith, Chairman. Do you know that Mrs. R——n was in there for several years?

A. Yes, sir.

Mr. Stokley. This was a day or two after the removal of the Matron, when this remark was made; he said, “Now I have got clear of the Matron, now I will go after the other b—h?”

Mr. Littleton. Who said that?

Mr. Stokley. One of the Directors.

Mr. Lex. Yes, I have heard him say it; though I did hear it in relation to Miss M——l and not in relation to Mrs. L——n.

Mr. Lex. Now, in relation to the application of discipline, which was spoken of, and its administration through the House of Refuge, I want to give a little history in relation to that:

Boys are bound to the City as apprentices, and just as I have shown by the instances which occurred in Mr. Allen's time, the resolution was that if boys were unruly, they could be put into the House of Refuge.

When, in Major Smith's time—the commencement of his term—finding that it was necessary to maintain the discipline, he called upon Mayor Henry, and asked him if we could not restrain them better by having the cases of the incorrigible boys sent to the House of Refuge.

The matter was first brought up before the Committee on Discipline and Discharge, and finally, on the 14th of Febru-

ary, 1866, they recommended the Board to adopt the following resolution:

Resolved, That adequate legislation be framed to enable the institution to transfer pupils to the House of Refuge. * *

And another regarding the binding out of pupils. They were adopted.

Subsequently, when this act was sent to the Legislature, there was a great clamor made about it in Councils, I believe. The matter was stayed; at least I was directed to write to the Legislature not to pass the bill.

Mr. Harper. It was afterwards reconsidered?

A. Oh! yes, sir.

Mr. Littleton. Was not this after two boys had been sent there?

A. No, sir.

Q. Were not two boys sent to the House of Refuge?

A. Oh! yes, sir; there were two boys sent there; they were sent there for gross offences.

Q. Arson?

A. No, sir; they will not take them for arson. Now, for a case of severe discipline, administered by the Committee itself, under the date of June 11, 1866, Mr. Foust, Chairman, being present Gill, Lex, and Vaux: —, charged with gross obscenity: he had been found with a book of his own composition—a filthy, dirty book—in his possession. and on motion, he was ordered to be placed in confinement for one week, fed on bread and water, and be deprived for three months from the usual privileges of the other boys.

Mr. Harper. Was that done by the Board?

A. Yes, sir; let me say to you the effect was to make that boy a good boy.

As to the use of the lock-ups; they date from the commencement of the institution, in 1851, Sept. 12th. The Chairman laid before the Committee a communication from the President, giving the cases of punishment that occurred since the last meeting, informing them of all cases of corporal punishment, and of confinement beyond forty-eight hours, which had occurred since the last meeting; so that from the year 1851 the lock-up seemed to have been a place of punishment in the College.

Mr. Stokley. Do you have any evidence of the length of time they were kept in confinement?

A. No, sir; all over forty-eight hours were reported.

Q. It could not have been over a month?

A. No, sir; I read that merely to show that the lock-up was a punishment, and they locked up the boys over forty-eight hours; there seemed to be a doubt on the part of some of the gentlemen who were examined, as to the propriety of the lock-up, and how long they were used.

Mr. Stokley. It is said they were locked up longer than forty-eight hours, some of the gentlemen say that boys were locked up from a month to three months.

A. I do not know anything of the kind.

Mr. Littleton. It comes from a Director?

A. I do not know anything about that; there was a matter spoken of in relation to the mothers' day; that matter had been before the Committee on Discipline and Discharge; efforts were made for an alteration of the mothers' day:

"The question, as referred to this Committee, was then taken up, and it was resolved to adopt the following plan: that the President be requested to divide the pupils into classes, and a separate day be for each class; and the pupils be allowed the visits of mothers three days," etc.

Whilst this resolution was under consideration, or prior to it, I think there was a motion made in the Board that the usual liberties be given to the mothers, and that was charged upon the President the other day. I think it originated, if I mistake not, probably from the suggestion of his in the Committee on Discipline and Discharge.

Mr. Littleton. Is that the rule still?

A. I am not certain, I think it is.

As to the boy S—I J—n, he was before the Committee, and was in the lock-up in the month of December, according to the minutes on December 18th; I was out that afternoon; I went up after the boy was examined in the Committee room; I went up to see the lock-up; Major Smith was suddenly called out of the City by the death of his brother at Uniontown, Pa.; the weather changed during his absence; the boy before the Committee made no complaint as to his treatment, that I recollect of; and he was charged with absconding, and had absconded several times; that is my impression; that is what I have been informed; that is the information I have received that he had absconded several times, and I suspected that in his case, as in the other cases, the reason why the boy wanted

to get away from the College, that the mother had provided a place for him outside of the College. And going down the steps of the College with Mr. Rhoads, when we were about returning him to the building, I asked him whether he had not a place, and he said yes, sir, he had a place in New Jersey.

Q. And you said he was a bright boy for looking out for himself a place?

Mr. Lex. After Major Smith, I spoke to him about this case of J——'s. I told him I presumed the boy had been overlooked; the weather had grown sharper since he left; to my recollection it was not the coldest day; it was the sharpest day; he stated the boy could have made himself very warm by getting into bed; he had abundance of covering upon his bed, and with a very little effort the window itself could have been shut; think the panes were not broken.

The boy, however, at Mr. Foust's suggestion, was placed in a warm room at night, and so kept during the night, and was expelled at the next meeting of the Board. This was in January, as the records show.

Mr. Harper. Do you know what became of him afterwards?

A. He afterwards (a great deal of this is hearsay) it is said that he was placed in the House of Refuge upon the application of his mother; she could not get along with him; he was an incorrigible boy; there is a variance in opinion here; you see things sometimes from different points of view. I could see nothing that would render him in a state of idiocy, or anything like it; he was a mulish, obstinate boy; you could not get anything out of him; as to his demoralization in the lock-up, it must have occurred before that.

Mr. Stokley. How long was he in the lock-up?

A. I do not know.

Q. Did not the President go away and forget him?

A. I do not know how that was. I merely make this remark, that in nearly every instance, when I have heard, or any question has been given to me of any severity, I have gone to the President and spoken to him about it.

Q. About what age was this boy?

A. I think he was between eleven and twelve; the record will show.

Mr. Cattell. How large a boy was he?

A. It is my recollection, this was in December, 1856; he was between eleven and twelve years of age; he was admitted in 1862.

Now whilst we are upon the subject of boys running off, and the necessity of discipline, so far as they are concerned, let me say this: that experience has shown, and I think Mr. Foust will agree with me in this experience, that most of the boys who run away are the younger boys; those from ten to thirteen; the larger boys very rarely go away, smaller boys very frequently do. Some of them have alleged that they have gone because their mothers were away. One of the boys stated that his mother was in Indiana, and that he intended to walk out there, and he thought it was time he should start upon his pilgrimage. And then boys generally go away in summer; they generally chose summer or fall to go, and some of them went up as far as Reading; two of them were found in a farm house, kept by a benevolent farmer. But the boys who run away are generally of that age, inconsiderate and rash.

Q. The suggestion has been made, if the home was made pleasant to them would they have had the disposition to run away?

Here is a list of the abscondings. In 1851, 44; in 1852, 28; in 1853, 40; in 1854, 27; in 1855, 12; in 1856, 6; in 1857, 9; in 1858, 23; in 1859, 31; in 1860, 19; in 1861, 23; in 1862, 41. The last year in which Mr. Allen was there, there were 41 who absconded; that was when there was a population of nearly 400. Mark, this ought to be said in reference to this absconding, that it does not mean 40 boys absconded, it means that that is the number of abscondings altogether; one boy might have gone over the wall twice. If they are not discovered, of course nothing is said. If it is discovered, then it is put down. Sometimes they were detected in getting in again. I found one boy at Ridge Road and Wood street, and took him back. When I used the word, I meant that that was the number of the boys that went over the wall.

Mr. Littleton. Will the records show how many have taken place since then?

A. No, sir; I really do not know.

Q. Is it not the duty of the President to keep the record?

A. I do not know, indeed.

Now, in relation to the boys expelled in 1864; I was not a member of the Committee at that time. I am merely taking Mr. Foust's and Mr. Rhoads' own statement. There were said to have been six boys who volunteered in the army, and who were reported to the President for absconding. It appears by the records, that on the resolution of Mr. Boswell, the matter was placed in the hands of the President. That is, the Board threw off the responsibility of saying what the Board should do. They were cowardly enough to shirk their duty, and throw the responsibility upon the President. Now had the President kept these boys in the College, then his loyalty might have been questioned. Whether these boys had gone and enlisted and run off, and were sent back to the College, (I am not certain, I merely speak from what I know) then they were brought up and turned over to the President, to do with them as he pleased; the Board were afraid to look the thing full in the face, although they had before that time, before Major Smith came there, they had agreed that where a boy went and enlisted by the consent of his parents, the indentures might be cancelled. But as to these little boys, who went over the wall without the consent of the parents, and enlisted; now it has just struck me, that had the Major kept them in the College, it would have been said, as was said the other day in relation to his expulsion, "He kept them there, and would not let them go in the army, and would not let them be of use to the Republic." What could he have done? To have cancelled their indentures was not the right course of treatment, simply because they had gone over the walls, and violated the rule.

Mr. Stokley. I do not see it in that light.

Mr. Lex. You cannot cancel the indentures without the consent of the parents. There is where the distinction arises between the cancellation and the expulsion. The cancellation can only be done by the consent of his friends.

Q. Do you know whether such consent was asked?

A. No, I do not. I think it is always done by the next friend. They are put in the hands of the Guardians of the Poor, and both bound to the City. Mr. Foust will agree with me, that that was always the way the cancellation of indentures was done by the next friend.

Mr. Stokley. I asked, could that not be done by the Guardians of the Poor?

A. I think not. Now, in relation to the class of boys who were to be found in the College, whilst I am very willing to admit that a very large proportion of them are very good boys, and many of them have gone out of the institution, and done a great deal of honor and credit to it, a large proportion of them are anything but a credit to the institution. That is, we get very bad material there, and you will find that out by the report made by the Committee in 1851, in which this language occurs: The report of the Committee on certain queries addressed to the President at the time; these are queries which were answered by the President, and then the report was made by the Committee upon the answers which the President had made, varying some of them.

This language occurs:

“There is no other institution for the education of youth, whose inmates are not more or less under the power of evil habits formed before admission, and though the tender age at which we receive them gives us some advantage, the class of society operates quite as much against us; we must be prepared, therefore, to employ promptly and vigorously those counteracting agencies, which are centered here in the combined form of the home and the school, and with such provisions for relief as incorrigible cases would suggest, we may hope for ultimate success; so far as the adverse influence of relatives and friends is concerned, it must be met with suitable remonstrances, with those who abuse the intercourse with the pupils. In extreme cases the entire seclusion of boys would be not only justifiable but highly expedient.”

I read this to show that the material in the College is sometimes of a pretty hard kind. That is, the Committees report upon certain inquiries which had been presented to the President of the College, asking his advice. They criticised his replies, and made their own report, and from that report I read.

There is subsequently a case, [whether I reported it, or whether I made a note of it,] that occurred in the early part of the year, in which some action was had relative to the adoption of a resolution authorizing the President to prevent the admission of the mother or friend, whose presence was injurious to the discipline of the institution. These difficulties were met in the early commencement of the career of the

College, and have continued down to the present day. A great many come in with various habits. Mr. Allen himself, told me, that he had boys in that College, who were bred as pickpockets before they came there. This is since he has again resumed the Presidency of the institution.

Mr. Stokley. At what age are they taken in?

A. From six to ten.

Q. Why admit such a class of boys?

A. Because you cannot avoid it. According to the Will of Mr. Girard, the priority of application gives the right of admission, and the condition being a poor white male orphan, and the priority of application. We do all we possibly can to find out the characteristics. Ask them whether the boy can read. Whether he goes to school. His prior history. We have been in the habit of asking the mother is the boy vaccinated? Has he had the small-pox? Has he had scarlet fever? Has he had fits? We had recently a case of a boy admitted, whom his mother assured us was entirely free from any taint or defect of the kind. When he was examined he showed nothing of the kind. But after he was in the College we found that he had epilepsy.

During this last fall we had an instance of a boy who, during his vacation was sent to Jersey, and there stole from the party to whom he was sent to spend his vacation; his aunt had to take him and send him back to the College. Mr. Foust doubtless recollects that case.

The use of tobacco is proscribed in the College. We had a boy who admitted that he had been chewing; I have been told they bring it in their arm-pits, and in their stockings.

Mr. Littleton. It is only allowed in the Directors' room.

A. I do not use it, therefore, I may criticise.

During the first year I was there, I was but one year there under Mr. Vaux's rule, I acted as Chairman of the Committee on Discipline and Discharge for a time; about the year 1864, after July, 1864, and 1865, during the rebellion; we found in an examination of a good many cases, where just this labor was sought for at that time, and boys could have a position; we found this, there was a rule which existed in the College at that time, that three goings over the wall would result in expulsion; we found in several cases which we examined, that the boys had actually gone over the wall, simply to be expelled, having had places provided for

them outside by mothers or relatives, who wanted them to get their two dollars a week, which they would use as money of their own.

In 1864 and 1865 there was insubordination, growing out of the condition of the country during that time; everything seemed to be in confusion and disorder, there was a camp very near the College, where the boys could hear the drum going.

Mr. Littleton. Did that not tend to increase the abscondings?

A. Yes, sir.

Q. Parades, and all such things?

A. Oh, yes, sir. Then we had other things. Now as to the boys who were taken up for arson, there were two boys who were taken up. The offences were committed during the same night.

Q. Mr. Harper. Separate attempts made the same night?

A. One made by a boy whose scale of mental intellect was not particularly high, but that is a matter which we cannot quibble upon; we are obliged to take them in under the rule. This boy, with a small share of intelligence, was a vicious boy; he was not a lively boy—very dull, kept down in every class, sent lower and lower until at last he got amongst boys much smaller than himself. Well, he got up in the middle of the night, and went to work and set fire deliberately to a closet in No. 3, and then went back to bed again.

The same night two little fellows—two boys who had been in the habit of secreting the mutton tallow, pieces of fat off their beef, and had got together some pieces of linen, and had made for themselves two nice tallow candles, and they intended to have an illumination for themselves, but bye-and-bye, after they had put these two candles under the chair and put over them a sheet, first the chair caught fire and the sheets caught fire and they took and crumpled up the sheets, and they had wit enough to throw them out the window.

I went down at once to the Fire Marshal in relation to the matter. It was at the time of the great firemen's parade here, and the Fire Marshal told me that he had been called upon in numerous cases. It was what he termed pyromania, a little insanity upon the subject of fires, and he thought the other boy had really taken the trouble and pains of setting

fire to the closet through this mania. The other two boys who made the fire underneath the chair—we went and made an investigation of that case. I do not know what became of the one boy. The Board wanted to send the two to the House of Refuge, but they declined taking them, as in cases of arson there were instances in which their buildings were set on fire. They were put into the County Jail and let out afterwards.

The little fellow was expelled by the order of the Board, and delivered over to the mother again, as the Marshal considered it dangerous to have that boy about the College, as his intellect was not very strong.

In relation to those boys who were guilty of this fornica-tion which has been spoken about—you have got pretty much all the details of that matter.

The boys were in the bath room; the two boys who were detailed to wait upon those who were in the baths, and these two boys bathed after the section had retired. Being there alone and bathing, they there were met by this woman, who made her first appearance with her clothes put up under her arms. Probably she had nymphomania, to use a technical term. These boys indulged themselves upon her, and subsequently they saw the times and means of indulgence. That particular case was brought up, and the report was made by Mr. Foust, which is upon the records here, in which the blame is attached solely to the woman, not a word said in the report against the President. There was no censure in the Board expressed against the President, except one gentleman said, could not the President have stopped it? and an explanation was given. They were reprimanded in the Board. The Board seemed to take a more charitable view of it, and I thought a correct view.

Mr. Harper. How old were the boys?

A. From fourteen to sixteen. The boy upon whom she charged as the father of the child was fourteen. This appeared to me a strange matter. It surprised me that a boy of fourteen could procreate his offspring. The Doctor examined the case, and I think reported that he was perfectly able to do so—a very large boy and fully developed.

Now gentleman, in that College we have probably 150 boys who are over the age of puberty, between fourteen and seventeen. We have four Prefects to watch these boys.

That is, four while they are on the play-ground, and they have actual charge of nearly 500 boys; here, of course, there is opportunity for boys to go away. Why, of course if a boy asked to go to the privy, if he were to send another boy with him, it made no difference, as they went over the walls in couples.

I was going to say that I suggested to the President, or to some person, the question whether we could not have men scrubbers about. I do not know whether I did not ask Mr. Foust. I think I was met by the person I asked, either the President or some member of the Committee, or Mr. Arey, who knew something about it, with the answer "that they had tried men, and that men poisoned the boys' minds more than the women." You may well think what the management of 150 boys, all over puberty, all strong and lusty, requires, and what moral force is demanded to keep these boys in order.

Two of these boys stated that their own moral sense had brought them to the conviction that they were doing a wrong, and they had stopped the perpetration of the offence voluntarily. It could have been indulged in without any knowledge at all on the part of any one.

Mr. Littleton. I wish to ask you whether locking up three or four boys in a room for a long time has not the effect to increase secret vice?

A. I do not know whether they were locked up in that manner.

Mr. Littleton. That is begging the question.

Mr. Lex. Now as to these lock-ups—I have been in the Board for a long time; my visits to the College have been innumerable; I cannot begin to tell them; I have been to every meeting of the Board of Managers with the exception, I think, of three; I was at every meeting of the Committee on Discipline and Discharge but one, as the records will show; I have been there frequently since; I have been present at the Committee on Household; most generally at the meeting of the Committee on Household; at the meeting of the Committee on Admission, and the Committee on Instruction—not so much lately as I did under Mr. Vaux; I have been out at the College over and over again with distinguished gentlemen from abroad; I have been there with all the deputations when they came from neighboring States to visit the

City of Philadelphia, when they came with a Committee of Councils.

I have been up to the lock-ups; the lock-ups proper are over the infirmary; the lock-up room in No. 2 I never knew was a lock-up until recently; I then found out the reason, that was, because we had a consumptive boy who was removed into the second story of the infirmary to give him a nice room: he died last Friday. The infirmary is three stories. The first and second stories are used as the infirmary. Mrs. L——s, the Nurse, has sometimes a room in the second story, and the teachers, I have seen them in the second story. Most generally the first—that is, the lower story is occupied. The boy was so much annoyed by the boys walking across the floor above him, that the Major transferred them to No. 2. The lock-ups are not intended to be very comfortable apartments. I have been up there; they do not show any appearance of comfort. Have considered it as my duty to make inquiries from the President as to the treatment of the boys there, and I can only tell you what is told me about them. Boys in the lock-ups, according to his rule, are in the charge of the Prefects, and are taken down twice a day for the purpose of relieving the necessity of nature. They at the same time have things to use in the room in case of an emergency. He has also told me that where boys were confined more than a few days, he has varied that confinement by taking them down stairs and letting them eat their dinner, and by letting them have the use of the bath. That is what the President told me. I have no further knowledge. I considered it my duty to ask as to the management of the affairs of the institution. It may or may not be true, I merely mention what I was told. I want to show you that I have done my duty as the President of the Board.

Mr. Stokley. Have you any knowledge of a boy who was up there all day, and was forgotten?

A. I know of that one; that was the solitary instance I know of; that was the neglect of the Governess who had him in charge; that was Mrs. H——e; she went away and neglected to tell any person.

Q. Was she taken into account for that matter?

A. That has been since Major Smith's dismissal. I can only say, during a long experience of four years we have

had a great number of cases to deal with, that in one or two, or half a dozen instances, the Major has forgotten his duty or overlooked it; that is the solitary instance I know of, of any neglect of the kind having occurred, and that, I believe, is not chargeable to him if he gives an order to a person to do it and they do not obey, he is not to blame; and this was on Sunday. Probably he was away, although he was rarely away on Sunday, but if I am not mistaken he was away that day. I used to endeavor to get him to go off on Sundays. I thought he was entitled to a holiday; but I always found him about the institution. When I went out there in 1861, when Mr. Allen was there, I think it was the distinct understanding that he was not to be there, and I took charge of the services at the time.

Mr. Littleton. How often did you go out, Mr. Lex?

A. When Mr. Allen was President I went out every third Sunday of the month. When Mr. Arey was President I was called upon twice every month; since that I have been called upon twice a month, and I have gone out frequently over and above that—that is in the mornings. I have been once or twice in the afternoons, but only once or twice.

Now, as to the religious services of the boys I cannot say anything about it myself. I never heard Mr. Allen speak at all. I am told that he is very good. I have no doubt but that he is very good. Major Smith, it must be confessed, is not as well versed in talking to boys as a great many men are. I say that with deference, but then it is a peculiar gift; a great many Clergymen cannot do it; and there is a variety of opinions as to the mode of exercising this gift.

I was rather amused at the discrepancy, or difference which occurred between the two gentlemen in giving their testimony. Mr. Boswell stated that Mr. Allen preached a written sermon. I think Mr. Boswell stated he had two hundred and forty-nine discourses; that he wrote them out for the express purpose, so that in case his teachings were criticised, he would have them to show.

Mr. Foust, in his testimony stated, that although written sermons were very good, yet that he liked the extemporaneous gushings or effusions of the heart, or something like that; so that you see there is a contradiction in the majority; one of them likes a written sermon, and the other likes the other way. I think that Mr. Allen told me that he wrote

everything that he delivered, and he told me this, that every two years he preached the same sermon over again.

Mr. Allen is a very effective teacher, I am told; I never heard him. He has heard me, and complimented me upon my address to the boys; and I was here Sunday week. The first Sunday he was there I went on with my duties as usual.

Let me say to you, that the last time I heard Major Smith, he made a short address; I thought he had improved in the matter of address; I thought it resulted from a want of confidence, which was probably the greatest want he had; that was my idea in relation to it. It has been my custom, whenever I have gone out on a Sunday during Major Smith's Presidency, to go into the infirmary. I always go there to see the sick boys. He has accompanied me sometimes, sometimes not. His treatment of the sick boys, and those in the infirmary, was uniformly kind. I never heard of any of his harshness; remarkably considerate, and remarkably kind.

Mr. Harper. How did the boys appear to be affected towards him?

A. I never saw anything like fear; there was great love among the younger boys for him when we had the spotted fever at the institution, in the infirmary. I saw the boy whose case has been spoken of, F——y F——r. His mother was sitting by his bed when he was so exceedingly ill with the spotted fever, or Cerebro Spinal Meningitis; she was there then some two or three months.

On one occasion, the Doctor called my attention to a symptom of the disease, curvature of the spine. I thought the little fellow was going to die. We had another boy who was afflicted with the same disease, who when he recovered from that disease was unable to stand, and they found out afterwards that he was deaf.

I was there upon the Sunday when F——y F——r died. I was speaking to the boys upon that Sabbath. He did not die in the chapel. The little fellow was quite small, and about five or ten minutes before I stopped, he cried; I did not know who the little fellow was, but I stopped for a minute, and one of the Prefects came and carried him out very carefully; I did not suppose that anything particular was the matter with the boy. After the exercises the Major and I were talking together, the notice came in that we should go to the infirmary; I found

Dr. Hollingsworth with the boy; he was then in a convulsion; it was a convulsion of the glottis, or spasm of the throat, which was left upon him by the disease, a frightful disease in its effects. We rubbed him and did all we could for him; his mother was sent for. I left shortly after she came. What conversation took place between her and Mrs. L—s I have forgotten, I do not recollect. The boy died just before she came; Major Smith was there; he kindly spoke to her, and as much as he possibly could, tried to console her under the circumstances, and I left.

Mr. Franciscus. Do you know why the boy was taken to the chapel?

A. No, sir, I do not; I was not there; I left shortly after his mother came; I had my little boy with me, I was anxious to get home. I left his mother with him; Mrs. L—s and Dr. Hollingsworth were both present, they can tell you what conversation took place.

Now as to the loyalty of the President. I have never heard him say anything disloyal at all; I have heard something said in the Board about his neglecting to raise the flag; I presume this charge has been brought. Now at the inauguration lately, they found that it is rather difficult to raise the flag of Girard College, because they were not able to do so on account of the halyards; they would not suffer the flag to go up; I merely state they tried to raise it and could not; the halyards were recreant; they have made them obedient since; I should say it has been up at times; I saw it up, for instance, on the 4th of July, 1865, when they had a celebration; I was appointed orator of the day; the Major made a short address that day, after I had finished; I do not recollect how long it was. The boys passed a series of resolutions. It was considered at the close of the Board, that it was necessary to celebrate the "Birth-day of Independence" in a formal way; the Board was out there; we had a band of music, which was lent to us on that occasion; it did not cost us anything; there were speeches addressed to the President; and it wound up by singing "Old Hundred;" in the evening we had fireworks. I saw it up when the League Island Commissioners came to Philadelphia; it was torn upon that occasion.

Q. During the time that Major Smith was there, were the boys taught any of the National songs?

A. Yes, sir. The "Star Spangled Banner;" "Red, White and Blue;" "And in the Prison Cell I sit;" "My Country 'tis of thee," and so on. I have always inquired of the Major about the observance of the day. The "Declaration of Independence" was always read, and I think declamations by the scholars; and if I mistake not, the 22d of February, Washington's Birthday, has been kept, and Washington's Farewell Address to his soldiers has always been read; that was in the forenoon, and upon one occasion in the afternoon I made a patriotic address myself. As far as I could get at it, the large number of boys who went into the army during Major Smith's time, proved the good teaching they had received.

Then as to the Major's examination of the food of the boys, and his being in the eating department. I have always received satisfactory answers from him, and he has told me that he has examined the cooking, even in the kitchen. I have been in the dormitories very frequently; I have taken over the College a large number of persons; never have been ashamed to show them all around; it always looked to me very clean, and the College has been highly complimented for its good appearance.

I have been in the privies; I did not smell anything very offensive, and was going to make a suggestion. I lived in Arch street, just above Eleventh, where we had a privy that always disclosed the fact that it was going to rain; just twenty-four hours before it was going to rain, it would commence to smell. The privies looked clean to me; as to the soiling of the floors, that arises from the boys being in a hurry, and it depends upon the time of day; if you go there in the morning, just before dinner time, you will find it all clean; after dinner, about four or five, probably you will find the pieces of bread and meat laying upon the floor, which I have understood from persons going in; I have asked the subordinate officers what was the cause of it. It is done by the boys out of a spirit of recklessness, want of fun; just to give trouble; playfully as boys will be sometimes.

I have investigated every case of severe punishment that has been made, by going to head-quarters and ascertaining about it; a great many of these cases I never heard of until they were mentioned here; never heard of the frozen feet;

never heard of the punishment for lying—just under punishment.

I have stated every case except one, of which Mr. Jones and Mr. Boswell spoke to me. Told me they had heard that the Major had placed two boys in the lock-up, and deprived them of their clothing. He told me they were little fellows, who got over the transon by means of their clothes. They were in the habit of getting up there and running over the walls, and after endeavoring in vain to stop it, I think it was in the summer, we took their clothes away and compelled them to go to bed. I mentioned the fact to Mr. Boswell and Mr. Jones, and they seemed satisfied with the explanation I had made.

I have considered the Major responsible as the head of the institution, for every thing about the institution. Now, for instance, a great deal has been said about the Steward. The Steward and Matron were displaced at the same meeting of the Board. There were twelve Republicans to six Democrats, and the gentlemen who were in the Board, and had a chance of looking to Mr. Field, considered him an excellent officer; a capital officer. They turned him out, and I will not criticise his successor, but I will say he is not like Mr. Field; the office of Steward requires a peculiar man; a very peculiar man; it requires a man who has some practical knowledge of agriculture, of the keeping of cows and horses, and of agriculture generally. Mr. Field was adapted to that, for he had been a tavern keeper in Bucks County, and was remarkably apt. I never heard a word against him, as to his knowledge or any thing at all, until his place was suddenly made vacant, and that too, by gentlemen who were the first time in the Board. The Matron was treated in the same way. I went into the Board with a prejudice against her. After I had been here some time, and had seen the workings of the institution, I thought she ought not to be displaced, and thought she made a very efficient officer. And then to charge Major Smith with a want of control over the Steward. The Steward was placed in a higher position than he had ever been before, and was to report to the Committee on Household by order of the Committee. By resolution of the Board Major Smith acted as Steward, under direction of the Board, until the legal controversy terminated. And they put in a Matron in place of

Mrs. R——n, a very nice, well-meaning lady, but I think scarcely calculated for the duties of the office.

Now, as to the matter I was mentioning of these boys being deprived of their clothing. Since the Major vacated the office, I have heard he punished three older boys in the same way, two of them turned out badly, and the other boy I do not know much about him.

Mr. Stokley was talking about whether putting two or three boys in the same room did not tend to increase the offence against morals. The Major told me that it had a tendency against the commission of that offence. But allowing the boys all to bathe together, that is a necessity you cannot avoid. All the boys cannot have separate baths; they must bathe in sections. The arrangements we have in the family, is, of course, utterly impossible.

Mr. Stokley. The question of locking up three or four boys in the lock-up together was propounded by Mr. Foust.

A. I do not know that it makes much difference, because in our investigation of this matter of secret vice, we have found that it was carried on in the College, independent of the lock-ups or anything else.

Mr. Stokley. Mr. Lex, you are Chairman of the Board of Directors, are you not?

A. Yes, sir.

Q. How long have you been Chairman?

A. Two years now.

Q. Mr. Lex, according to the second paragraph of the first section of the Rules for the Government of the College, it is made the duty of the President to report in writing the condition of the College, and to call the attention of the Board to such things as require their consideration. You are familiar with his report. Has he complied with this rule faithfully?

A. I think he has. I think that every meeting of the Board of Managers the report has been given, and generally turned over to the proper Committees. I would say, in relation to the matter of the lavatories, that he has called the attention of the Board to them over and over again; and in relation to the sewer at the lower end of the building, he has again and again called the attention of the Board to the subject, and he has been equally diligent in getting the Committee to attend to a great many things. The heating apparatus has

been called to the attention of the Household Committee again and again, and now I believe has only been successfully attended to this winter.

Q. Has he called the attention of the Board to the lavatories, which are said to be in a dilapidated condition; to the dormitories, which are said to be infested with vermin; to the destruction of the ornamental trees about the grounds, &c., which was going on, and of which he was apprised by the Gardener?

A. I never heard a word about vermin until I saw it in the newspaper. As to the destruction of the ornamental trees about the grounds which was going on, I do not remember that. I do remember that on one occasion we had an entertainment out there when some of the graduating boys were out there, when they got hold and pulled things generally to pieces. I have never seen the trees in a bad condition.

Q. Has he, at any time since the adoption of these rules, complied with them in spirit and form, as was intended by the Board?

A. I think, sir, he has. After the new set came into the Board, there were three resolutions offered, each succeeding day, in relation to the boys going out on their Christmas holidays. A resolution of inquiry was offered to know by what authority they went out. Now Mr. Foust was the Chairman of the Committee: he knew they were to have their holiday; for after the meeting was over I went to Mr. Foust and said, "We will have to get the Major off in some way," and he said "Yes." This talk we had before the meeting of the Board, and before the Board my recollection is, Mr. Foust did throw the veil of charity over this case. Then about the Latin language, that was explained by Mr. Heaton; it was the fault of the Committee on Instruction, who had declared that Latin was to be introduced. By the way, the Will makes it obligatory to teach French and Spanish, and every well instructed man in the world knows that Latin is the foundation. It was talked of. The Major had been directed to introduce it.

Q. Was it not your duty, as Chairman of the Board, to see that he did this?

A. I considered it was my duty, as far as I could, to investigate. I think I have faithfully, and to the best of my ability, discharged my duty as President of the Board. I

have gone to him and asked him to tell me about these different matters, and have had an explanation. I could not go to every place. I have been out to the College over and over again, day after day, with strangers, delegations from other cities, fire companies, and I do not know what all. I have seen the Mayor, and talked with him a great deal about these matters. I considered it my duty, and I think and trust I have performed it to the best of my ability.

Mr. Boswell offered a resolution, which, if you wish it, I will read to you. This he told me he did from the bottom of his heart—which was very deep, I have no doubt. It was when my nomination was in doubt, and when I was thinking I was making my last address to the Directors.

12th of June, 1867. Mr. Boswell offered the following resolution: “*Resolved*, That the thanks of this Board are due and are hereby tendered to Charles E. Lex, for the manner observed by him as presiding officer during the past year, and especially for the efficient services which he rendered in the different departments of the institution.” That is my record up to the 12th of June, 1867.

Q. As you have exercised so close a supervision over the acts of the Steward, ought you not to have been equally vigilant with the President?

A. The Steward I do not think was under my vigilance exactly. I could not be very vigilant with him. I endeavored to get him to do his duty. I have called the attention of the Committee on Household to his duty, and his books, I think, will show my action; and I consider that I have done my duty to the President.

Q. Do you consider the authority of the President to be superior to that of the Directors in the management of the College?

A. Certainly not.

Q. Mr. Lex. In examining the formation of the Committees of the present and past years, great disparity exists between them, for instance, on the Standing Committees for 1866–67 the name of H. Yale *Smith*, M.D., occurs on five of them, while others occur but twice, and one name is entirely omitted; was this an accidental arrangement?

A. I do not know of but one name that is not on, and that is Mr. Butler’s.

Let me state, whilst this is before you, that Mr. Rhoads,

in his examination before this Committee, stated that he could not bring matters to the attention of the Board, because the friends of Major Smith were in majority of the Committees.

That in the Committee on Discipline and Discharge, of which Mr. Rhoads was a member, four were with the majority and two with the minority, four of the members in 1866, and now, I think, five of them are of the majority in that Committee; so that is no excuse.

Q. The name of J. M. Butler appears among the gentlemen who voted against the removal of Major Smith, but it does not appear among the Committees; if he does not attend the meetings of the Board or Committees how could he vote intelligently upon this question?

A. That is a matter for him to answer.

Mr. Wm. F. Smith, Chairman. He was not present when the Major was displaced; he was out there the same day; his vote was not recorded.

A. He came afterwards, after the Committee of Investigation was adjourned; he came to the meeting which was called to frame an answer to the Committee of Investigation; that evidence that was produced was sent in, and he retired, and stated that he would have voted for Major Smith.

Q. Mr. Lex, Paragraph 6, Sect. 7, requires the President to conduct the religious services on Sundays in person, and deliver an appropriate religious or moral discourse; did he do this, and how often?

A. Major Smith has told me that since these rules were adopted he has performed that duty; my own engagements calling me out there twice a month; I considered that enough to devote to the religious training; I have not been there at other times, or I would say sometimes I have been there three times a month; sometimes I am called upon in the fall of the year; one spell I was called upon nearly every Sunday. I considered that enough.

Q. You have officiated frequently in the chapel; by whose arrangement was this?

A. That arrangement was made originally by Mr. Allen; he requested me to come out and allow him to go to Church. Mr. Arey, when he came, was not very good at talking to the boys; did not consider himself peculiarly piously called to the work, and got me to go twice a month; which I have

been doing ever since. I have two, and Mr. Guillou has two, and whenever the fifth Sunday occurs Mr. Thomas Potter takes a Sunday; that is the way the mornings have been supplied.

Q. Will you please state what the President usually reported in his monthly communication with the Board?

A. My dear sir, that I cannot tell you; I can only tell you this, that they are bound up in a volume, and will speak for themselves; I know there have been a variety of things discussed generally; the condition of the Schools, the College building, and any particular matter that ought to come to the attention of the College Board; health of the pupils; matters of that kind. Let me say in relation to the health of the pupils, that the Major has devoted himself to the health of the pupils. Being in the army, and knowing the variety of food, and the best modes of developing the body, he has regulated the diet of the College until I believe it has produced the most beneficial results. I have been in that infirmary and found not a single boy in bed; I think there is no household so large as that that can show an exhibit like that; some times four or five boys have been there; I think the health of the institution has absolutely improved since he has been there; that is my impression; I do not know, however.

Q. Have you any knowledge as to the writers or authors of the articles published from time to time in the newspapers of the City, censuring the majority of the Board for removing Major Smith?

A. I have not written any of them, sir; the day after the removal took place a notice of it was put in the newspaper. I went into the Ledger office for the purpose of seeing Mr. Coleman; Mr. Childs, who knows me, and has met me frequently, invited me to occupy his private office; he began talking to me about what had been done at Girard College, and told me what had been told him; that Major Smith had been turned out of office, and asked me upon what charges; I told him none at all, at the time. I told him what occurred, exactly; no person had ventured to say anything about the Major. One person had talked a little about the flag, or something of the kind. I told him that during the time I was there I never had heard, except now, that my recollection serves me, Mr. Foust did call attention to matters, but no resolution of inquiry was passed. The Major was there with his report,

and never was asked anything as to the discipline or government of the College, or anything connected with it; that I recollected of no reports of any Committees, no resolutions of any Board. I told him (Mr. Childs) when I was there, that I got up, and Mr. Hoffman got up, and said that if it were turned over to the Committee of his own friends to report upon, and if they reported against him, he (Mr. Hoffman) would vote against him (Major Smith). I (Mr. Lex) said I would do the same thing myself; I did not care who was President, I would do it; and that then I had got up and said, if they would write me a letter, I would have his resignation. I told Mr. Childs this. He intimated to me that one of his editors—I think one of the members of the press—was going to take up the matter. I saw next day an article in the paper; I had nothing to do with the writing of it. He asked me if I would not put it down in writing. I wrote him one or two facts—which never were used in the Ledger at all—that Major Smith had gone into the army; that he had written to know whether his appointment could be given up, and that never appeared in the Ledger. I have to say it, that I am very well known in Philadelphia; I found, after the Ledger made its statement; I found a reporter from the Inquirer the same day at my office—I was very full of the matter—was very indignant; he came up and said he came to know exactly my statement of it. He got me to make a statement; not written, just merely verbal; it appeared next day, together with the statement of the minority, side by side. The editor of the Telegraph, after he had written and had set up an article for his paper, sent me a slip, and asked me if the statements were substantially true. I told him yes.

Now, that is all that I know. That was done without any consultation with Major Smith. I was known as the President of the Board; I was called upon in that kind of way subsequently. I know nothing about any articles; I deprecated them; I do not like them. When I came to think calmly, I thought the less newspaper talk we had about the matter the better. There was a communication which I was desired to answer, but I declined answering the communication of the majority, because it was a mere matter of asseveration upon the one part; and I have found in my own experience the less I have to do with newspaper controversies

the better. On the day that the communication signed by the majority of the Board appeared, being in Fourth street, I was met by a prominent gentleman in Select Council; he told me I had better put in some denial. On the spur of the moment I went to the newspaper office; they told me they had all the article set up; and my denial was not put in. With all the rest I have nothing to do; never wrote a line after that; never had a consultation with Major Smith; indeed I have told him to let it alone, although I do not know that he intended to do anything of the kind.

Q. Did the editor or proprietor of the Ledger ever say to you that he intended to make the Board reconsider its action in relation to Major Smith?

A. No, sir; I have no recollection of his saying so. He said he was going to take the matter up and ventilate it. I think I met the editor afterwards in the street. I never had any conversation with Mr. Coleman, but he told me that he was not going to do anything of the kind. The day after the action, I admit I was a little excited; I felt it; subsequently, when my mind cooled off, I made up my mind the less that was said about it the better. I never went down to the editor to instigate it.

Q. Mr. Wm. F. Smith, Chairman. Did you ever hear any talk of the removal of Major Smith?

A. No, sir.

Q. I merely asked the question, because Mr. Coleman made a statement that three months prior to it he had been met and informed of it in the street.

A. I did not hear it; never heard a word from any member of Councils. Indeed, I supposed, and was under the impression that Major Smith's staying there was settled; I thought there would be a little controversy between the friends of Major Smith. I heard Mr. Boswell, on Stephen Girard's birth-day, at dinner, down stairs, say, sitting next to me: "Have you heard that it is Smith or no Smith at the College?" "Have you heard our election depends upon whether we vote for him or against him?" or something equivalent to that. I told him no, I had not heard any such thing, as I have never solicited any vote of any member of Select Council. I have a word about the Major's familiarity with the boys. I have seen him go in amongst them and play with them; I have helped him play with them myself; I recollect

distinctly, once or twice in Section A, we played with the boys, told them stories, anecdotes, gave them riddles to guess, and a variety of matters of that kind. I have gone out there and delivered familiar lectures to the boys. We inaugurated a series of amusements when Professor Van Der Weydee was there; he showed them his magic lantern; I had conversations there, and continued them until after the Board became entirely Republican; then I found my intentions were criticised. I was expected not only to get up the amusements out there, but to notify the Board. We had Blind Tom out there; Miss Richings was out there upon one occasion; Signor Blitz was out there and gave an entertainment to the boys. I have done all I could to make the College pleasant and agreeable to them, and when I found cold water thrown upon it I gave it up. Mr. Foust and Mr. Horne both joined me in giving rational recreation to the boys. I will say that in all sincerity. I do not know that they knew anything at all about this criticism.

Q. Did Mr. Foust vote for you as President?

A. Yes, sir.

Mr. Littleton. Did you vote for the removal of the Matron at the same time?

A. No, sir; I did not vote at all. I will give you my reasons. I felt so indignant at the manner in which Major Smith was treated, I did not care what became of the Matron or anybody else. I did vote for Miss Mitchell when her name was suggested to me. Now, whilst I think about it, in relation to Mr. Allen: when, for the first time, his name was proposed, I got up and said, "You cannot expect Mr. Allen to come out here, for he told me he could not come out here at the expense of Major Smith. Mr. Haines remarked, "When did you see him?" I replied, "Within five or six weeks." "Well," said he, "I have seen him within a few days, and, like Mr. Thayer, he has reconsidered his resolution." That was the language he used.

Mr. Littleton. Has the President complied with the rules with reference to teaching or instructing any class?

A. I do not know. He has told me he has examined the graduating class. I do not know whether he has any other.

Q. Did you ever hear him teach or instruct them?

A. Yes, sir, I have. Now I think of it, the Major told me; however, I am not certain; I do not like to say yes. I

know I have asked him about the graduating class, and he has told me that he has examined them; but indeed I do not know whether he has instructed them or not. I have been with him in the class-rooms of the Professors. I will not specify who they were. He has called the attention of the Committee on Instruction to these things, and gone with them into these rooms, and criticised their mode of instructing the classes; and the Major has propounded questions to them, and brought out their mode of instructing. He has done so in several of the rooms; in the Mathematical Department, in the Belles Lettres Department, and I do not know whether he has or not in the Drawing Department. But then, with the Committee; when going around they never heard the Major instruct. They went around to see how the teachers were performing their duty, not to see how the Major instructed; and I must say we have the best body of female teachers in the country. Mr. Foust will unite with me in that. I think we have a good corps of male instructors also.

Q. Did you consider the attention to the chapel service one of the most important duties of the President?

A. I consider it quite important; at the same time it is a service that can be delegated to other persons; that is, if he has a good corps of persons who are competent to instruct in the chapel. I do not know that it is of great importance.

Q. Do you not think the President should have the capacity or quality of impressing himself upon the minds of the pupils in the absence of other instructors?

A. I have heard the Major speak to the boys words of commendation. I would rather think want of confidence is the great secret. And then on Sundays he has delivered written addresses, I am told. I never heard Mr. Allen speak to the boys, therefore I cannot say much about that.

Q. Have you heard more than one patriotic address by the President?

A. I cannot recollect. I have not been out there on a great many occasions when patriotism was brought up.

Mr. Littleton. I wish to ask you a question as to the bill in equity. Did Mr. Allen ever ask you to vote for him?

A. He never did.

Q. Did he ever try to induce you to vote for Major Smith's removal?

A. He never did.

Q. Did you ever hear charges brought of harsh treatment of mothers?

A. No, sir; I do not recollect that I have. I have had mothers come to me; sometimes the mothers have exerted a most injurious influence over the boys. I will tell you one instance. I know of an instance where a boy got an excellent situation on Eighth street, at a silversmiths. The mother had set her heart upon having her boy in a grocery store, and wanted us to keep him in the College for a whole year, until this person could come and take him out of the College and put him in a grocery store. She came to see him, and made him dissatisfied with the place, and he is at the College yet. Another instance, where a mother denied that the boy was in the house; told a falsehood. I do not like to say anything I knew before, while Mr. Allen was there. I knew the mother's influence was injurious; their injurious tendency has always been known.

Q. Have there been any charges preferred against the officers of the College? Any Prefects discharged?

A. None while I was there.

Q. In the case of the Matron, were any charges preferred, or anything of the kind?

A. No, sir.

Q. Was there any objection made to the removal of the Matron at the time of the President's removal?

A. I do not know.

Q. Was there any demand for charges against her?

A. I think not. I tell you I felt so indignant, so worn out when I found the Major was dismissed, I did not care what became of the Matron; besides that, I did not think the Matron was very efficient, or a very kind and good woman.

Q. Do you know anything of the adoption of these rules? of the President's instigating any one to remonstrate?

A. I know Mr. Becker came down to see me at my own house about these rules, and he did not like the rules, and the supposed author, the mysterious gentleman who wrote the report. He supposed it was the same gentleman. Mr. Roberts declined furnishing his name. He criticised these rules pretty severely; that is my recollection of the matter.

Q. He did not tell you afterwards that he did not intend the letter should come before the Board?

A. I am not certain whether I did not tell Professor

Becker that he had better put his objections in writing. I want to make a correction, by saying, as to whether Professor Becker came down to see me in opposition to the rules, and to talk with me about the rules; still, he did not like the effect of the rules.

Mr. Harper. I want to know whether there was ever any fault found or resolution of inquiry offered in relation to the discharge of the Steward?

A. I think there was; after the Steward was discharged, they wanted to have a Committee of investigation as to the charges against him.

Q. What was the result of that investigation of Mr. Field?

A. I do not recollect anything about it, except what the minutes tell me.

Q. You spoke of somebody having written a report. I would like to know on what authority you speak?

A. I only know from inference.

Q. Had Mr. Arey anything to do with the report?

A. I do not know; I suspect that he had.

Q. What was said about the President refusing to recognize the Steward?

A. I do not know that there was anything said about that, there were some resolutions of investigation about it.

Q. Do you know whether he did refuse or not to recognize him.

A. During the pendency of the bill in equity, the Stewardship was entrusted to the Major, I presume, as Mr. Field was entirely familiar about the place, and the Major had a good many duties to perform. He may have asked Mr. Field to do some things, and that induced the resolution forbidding him to employ him.

Q. Was there any difficulty about Mr. Field's accounts.

A. None that I know of.

Q. Has there been about Mr. Hartley.

A. There has been.

Q. What was that?

A. He does not appear to me to know how to keep books. Major Smith inaugurated a system by which you could tell every pound of coffee which was brought into the College. I saw the books made up.

Q. Do you mean to say he does not know his business?

A. I merely wish to say that he could not tell how much

sugar he had, he forced a balance out; he had put down the requisition of the Matron for three hundred pounds, and three hundred pounds again to get out a balance. It was not accurate. Now I have not a word to say against his honesty, only I say there is a deficient supply of milk. While Mr. Field was there we had an abundance of good milk, now we have three cows incapable of giving milk at all. I do not say there are only three cows; certainly there is a diminished supply of milk. I tell you, except for this investigating Committee, I should have been out there and have tried to see what I could do.

Q. I wish to know, whether there is anything in the rules forbidding the boys from leaving on the Christmas holidays?

A. Yes there is.

Q. Previous to Major Smith's being there, has it been customary for the boys to go away on Christmas?

A. I believe it has.

Q. Do you know whether they have been allowed to leave there upon Thanksgiving day?

A. Upon the November meeting of the Board, we passed a resolution allowing the boys half a holiday after dinner.

Q. Do you know whether Mr. Arey had anything to do with the dismissal of the President?

A. I do not. I have heard things; I know nothing personally of my own knowledge.

Mr. Harper. You have heard his testimony; I would like to know what you heard about it?

A. Well, now Mr. Harper, I really and honestly think that the College needs rest and repose. I am therefore determined, as long as I am there, to seek it myself.

Mr. Littleton. Do you not think we ought to have the facts?

A. I can give you only what I have heard; I may do gross injustice. I have my own views.

Mr. Cattell. As an answer to Mr. Harper's question, I would say that Mr. Arey has disclaimed it.

Mr. Lex. The record of Major Smith is to be found in the report for the year 1865, it was adopted in the beginning of 1866. Mr. Foust was a member of the Board at that time, and all, except those who came in in 1866 were members of the Board. It uses this language:

"It may be thus stated as the result of the year, that the

"course of education has been faithfully pursued, and the
 "result gratifying, not to as great a degree as reasonably ex-
 "pected. The President of the College who has ever evinced
 "a desire to carry out the wishes of the Board, and has faith-
 "fully administered the general government of the College in
 "all its departments, reports as the result of the year 1865,
 "that at no time after the experience of two and a-half years
 "has he seen so tractable a spirit in the pupils, or so earnest
 "and hearty co-operation in the College."

That was the report made to the Board, and put in print and sent to Councils by the President and submitted as made, as the remarks of the President. Whether they will object to the remarks of the President I do not know.

"In taking a survey of the institution for the past year, we have great pleasure in saying that its condition, both as regards its educational and disciplinary departments, is encouraging * * * * * and has been marked by continued progress in the right direction."

It was in February, 1867, that the report was sent to Councils.

According to the Will of Mr. Girard, which I have here, and I have made a careful study of it, he contemplated two things:

In the first place, that the boys should be whole orphans. I cannot therefore think that the decision of the Supreme Court was right; I am afraid that the case was not argued as it ought to have been argued, and I believe he intended that they should never be suffered to go out until they were thoroughly educated.

He has directed that an iron balustrade should be put upon the College wall, which if put up in accordance with what his Will requires, and it is imperative, would prevent this running away of boys to a large extent, because they can easily get over the wall as it now is.

I read another portion: "The institution shall be organized as soon as practicable, and to accomplish the purpose more effectually, due public notice of the intended opening of the College shall be given, so that there may be opportunity to make selections of competent instructors and other agents, and those who may have the charge of orphans may be aware of the provision intended for them."

It says, that at the commencement, public notice shall be

given; and the spirit of the Will requires that when any office is vacant it shall be supplied after due public notice is given. I therefore suggest most respectfully to this Committee the propriety of an ordinance: That when in the College there happens to fall any vacancy, that it is not to be filled until after due public notice has been given to competitors, and that no person should be eligible for the office, or for any office in the College, who sought the vote of a Director or for whom a Director has sought the vote of a Co-director. I make that subject to President, Matron, Steward, Physician, Prefects, Professors, Governesses, Teachers, Gardner, Gate-keeper, Engineer, Carpenter, Shoemaker and Baker, and then I think you will have put an end to this difficulty which has grown out of the College, where we have tried these things. We have been out there in three or four instances, and I have seen the most beneficial results there. We were very near having a most incompetent man thrust upon us for the Belles Lettres Department, by the vote of the gentlemen. We had but a single application for the Professorship—a gentleman who wanted the office, and made some efforts to be nominated to that office. One gentleman got up and stated that he would fill the vacancy right away. That man would have been elected at that time, but public notice of an examination of gentlemen for that office was given, and that man stood the lowest of all the applicants; that our records, I think will show. By competition the offices can be well filled, but if you allow this partizanship to change the officers of the institution, you then will have destroyed the efficiency of it.

Another thing I suggest, with great respect, and that is, the infusion of a minority into the representatives of this Board—I mean in politics. It is infinitely better, in my opinion, that we should have a minority—a respectable minority of the other party, and no man can say a word against my Republicanism; not a man could ever say a word against it. I am as strong a Republican in my feelings as any man, and, although I am not a politician, I have as decided feelings and impressions as any man, and yet I hope I stand upon the position to see good in other people. When we had a respectable minority there, I used to look forward with pleasure to the meetings of the Board; since then we have

had difficulties between ourselves, that made me look forward to the meetings with anything but pleasure.

Q. Did you have competition for that place?

A. Yes, sir; we had men from Yale College and two from New York, and we spent a whole day in the examination of these gentlemen and this gentleman who was offered to us as a Professor, and who would, I believe, have been elected, as one gentleman was pressing his election, was actually found the lowest upon the list.

Mr. Littleton. You are opposed to men seeking the position, and suggest that that should render them ineligible. Do you mean to say that has been done in this case?

A. No, I don't mean to say that—certainly not.

Now, as to this wall: "The entire square, formed by "High and Chestnut streets, and Eleventh and Twelfth "streets, shall be enclosed with a solid wall, at least fourteen "inches thick and ten feet high, capped with marble and "guarded with irons on the top, so as to prevent persons "from getting over."

Mr. Littleton. You do not really suppose that was intended, as to the present grounds occupied by the College?

A. Certainly I do.

Wm. F. Smith, Chairman. You spoke of the infusion of a minority; our Democratic friends set a good example for us to follow?

A. I said to the Democratic members who opposed me, that I think they did a great wrong when they made a change in the College, and introduced politics there.

Wm. F. Smith, Chairman. Do you not think the men that were turned out, and who had charge of the College then, were good men.

A. I think they were good men.

Wm. F. Smith, Chairman. I was in the old City of Philadelphia, and was in Councils then, and you could not to-day find a better set of men.

C. R. MORGAN, M. D.

Sworn Reporter.

December 3, 1867.

Dr. Samuel L. Hollingsworth, sworn :

Wm. F. Smith, Chairman. Dr. will you be kind enough to give your testimony in your own way to the Committee, in relation to the matter of the boy F——k F——r, which has been spoken of before this Committee?

A. This little boy F——k F——r, was a delicate fellow, he was near the age of seven years, I do not know the exact age. He came into the infirmary in 1865, with spotted fever, generally called cerebro spinal meningitis, put down on the record as brain fever. In 1865, in the latter end of January, he came into the infirmary; he was very ill, in fact confined to his bed rather upwards of a hundred days. After he left the infirmary and was considered convalescent by the physician, he had repeated attacks of convulsions, hundreds of them, had them frequently, fell down at his meals during 1865 and 1866: when he came into the ward he was frequently in the infirmary from the results of the convulsions which he had a great part of the time. About the 20th of April, 1866, he was admitted into the wards again during my term of service. He was admitted for paralysis, as the result of convulsions. He is on the records as admitted for paralysis, the attack was a slight one and in a day or two he was over the paralysis, and was in and out of bed. He was on the record previous to his death, as being out of bed. We keep a record of every boy.

On the morning of his admission his name is put down and section, how many days in, and when he was dismissed, and the number of days that he has been in the wards. The last four days he had been out of bed. I saw him every day, and that day out of bed, and I permitted him to go out of the house.

Mr. Harper. Who designed that record?

A. The President; we had different arrangements before he came there. That record is made up early in the morning before my coming there every day. On the 6th of May, 1866, Sunday, I went out to the College in my vehicle to see a patient, one of the boys, or some one connected with the institution. I saw them while driving to the infirmary carrying a boy out of the chapel; I asked what was the matter, they told me that F——r had the convulsions. I accompanied him

to the house ; he was carried up by Mr. Cope, one of the Prefects. I hurried over to the infirmary and had the bed prepared for him, and when he was brought in and put in bed I used such measures that I thought proper for his case, and I saw very soon that he was going to die, and remarked it to the nurse, and she said, he has had these things before to-day. I know that, said I, but he is going to die. Before his death, Mr. Lex and the President came in, and I think five or six minutes after their coming in he died ; he was not in the infirmary more than a quarter of an hour. I immediately sent for the mother ; they brought his mother and friend back I think in my carriage ; I am not sure. The record states that he was about the house ; he had been about the house four days. We have two statements with regard to the boys, one in bed and the other about the house. Boys in bed are kept in bed, and boys about the house are washed and dressed and come down to the kitchen for their breakfast, and are in the convalescent room. I see them there. We go to convalescent room first, and then to the other rooms. I had seen this boy on the seventeen days of his sickness, and had seen him about the house. I saw the record that very morning and inquired the circumstances immediately of the nurse, saw the record that morning he was about the house, and had been about the house, as the nurse informed me. That morning he was washed and dressed like the other boys, and had his breakfast. The Major came into the room, Major Smith I allude to, asked him if he would like to go to the chapel ? He said he would ; he was a peculiar boy, like most precocious and delicate boys ; had rather a religious turn of mind ; he took pleasure in going to the chapel, and took a pleasure in hearing Mr. Lex. He, Mr. Lex, I believe was to make some remarks that morning. The nurse, when she came into the room, found him sitting upon the lap of the President, who was caressing him at the time, and he made the remark that Franky was going to the chapel. The Major said, would you like to go to the chapel ? and he said yes I would very much ; they left together hand in hand, during the passage from the infirmary to the chapel. He left the President at one time and came running back ; it was a beautiful May morning. I recollect it perfectly ; he went into the chapel, and by information of Mr. Cope one of the Prefects, who informed me the other day that he was the person who took the boy up. He said little F——y left the seat and ran

alongside of the President, and the President told him he had better go back to his seat; he went back, and shortly afterwards was taken with this convulsion. During his sickness the President of the College, Major Smith, became extremely attached to him from his very great and terrible sickness; his sympathies were with him and for him, and were so great that frequently he sent delicacies from his own table, and if you will allow me to state an anecdote, I will. I was informed by Mrs. Smith the President's wife, that on one occasion he came home very much affected; she said Dick what is the matter? Well, he said the little boy has been crying terribly; it cuts me to the heart to hear him. I believe you care more about that child than you do about your own. The woman's way of expressing the fact that he was very much attached to him. After his convalescence in the infirmary the Major took him to his house on a visit, and took his meals with him, and there was a great attachment, as I have been informed by several persons, between the two.

Mr. Harper. Did the President send for his mother?

A. Yes, sir; she came with the friend, I think.

Q. How long was she there?

A. I think I left her there; I stayed from half to three-quarters of an hour.

Q. During his sickness how long was she there?

A. She was there the whole time of his sickness, a hundred and two days; she acknowledged that to me, and told me she was there; the boy was not originally under my care during his first sickness.

Q. Was she living in the infirmary?

A. Yes, sir; she was living in the infirmary.

Mr. Wagner. Do you know when this boy entered the College?

A. I presume I examined him, but I really do not know when he was entered, he was left with this sequela, not an uncommon thing; I have had it in three cases. I have had a little boy in College who was left deaf and dumb. I also lost a child in the same year, who had inward convulsions in his bed, following spotted fever, and a year before, this little fellow had paralytic fits repeatedly, one of the Prefects told me that he brought him in repeatedly from the play-grounds.

Mr. Tyson. Do you know anything of the mother saying

or complaining to the Major of taking that little boy to the chapel that morning, or compelling him to go?

A. No, sir; she said nothing of that kind.

Q. Did the nurse go with him?

A. No, sir; the mother was in a great state of excitement. He told her that he thought the boy would have a life to suffer, and that if he even grew up he probably would be idiotic.

Q. It was the little boy's request that he should go to the chapel?

A. He once informed me so. I inquired very particularly. He was particularly fond of Mr. Lex, and wanted to be present. It was a beautiful morning and the boy was in excellent spirits, and looked quite well.

Q. How long had Mrs. L——s, the nurse, been there?

A. Between twelve and fifteen years.

Q. Is she a good nurse?

A. Yes, sir; I do not think there is a better nurse in the world. I have been in all the Hospitals of the City, and have great confidence in her, and great respect for her.

Q. What was the Major's conduct towards the sick when you were there?

A. Remarkably paternal and kind, uncommonly so; I never knew a person that was kinder to the boys. He visited the infirmary every morning; this is before my visit, and when any of the boys were seriously sick he always saw me; I presume on the average I saw him two or three times a week, perhaps not that often, but very frequently, sometimes every day; remarkably kind, paternal, and tender.

Mr. Harper. As physician of the College did you ever hear any of the sick boys complain of the harsh treatment by the President?

A. No, sir; I never heard any complaint of any kind.

Q. Was your attention ever called to any case of harsh discipline with regard to the President towards the boys?

A. Never, sir.

Q. Your experience leads you to think that he was a very kind, paternal man?

A. He was so, uncommonly so; there is no doubt of it.

Q. Dr. Did the President ever request you to look at the boys in the lock-ups?

A. Repeatedly.

Q. Have you been there with him ?

A. Yes sir ; I have been there with him, and at other times it has given me a great deal of trouble. It is up in the fourth story ; I found many boys up there, in fact, they became so noisy that I had to request that they should be taken away, which request, in the course of a few days, was acceded to. The last time I was at the College I was asked to be present at the meeting of the Committee. I went over to see Mrs. Smith, who had been a patient of mine ; when I was at the College they told me that one of the boys in the lock-ups was just breaking a pane of glass—why he is just breaking another—he had smashed two panes of glass in the course of a quarter of an hour. These fellows were very noisy. I had to request that they should be taken away. This was when R——v S——h became bed-ridden ; they were above him.

Q. Did you consider the lock-ups were unhealthy, and improper places for the boys to be put in, so far as their sanitary arrangements were concerned ?

A. I never saw anything that was wrong in them. I have received requests from these boys that something was the matter with them ; sometimes I went up with the Major, and never saw anything the matter with any boy in the lock-up ; the room was a bare one ; I saw nothing, excepting that it was bare and pallets were on the floor ; they had no beds. My attention was not attracted towards anything particular.

Q. Do you recollect anything about a boy name McG——n ?

A. Yes, sir ; McG——n came into the infirmary with diarrhœa, he said ; he was put to bed, as I always put boys who complain of anything of that kind, and told the nurse to watch him, there were so many malingerers, so many who came up to get rid of their lesson that we have to adopt a certain system with regard to them ; if a boy is really sick he soon shows it. If he has fever when he complains of diarrhœa or headache, or dysentery, we watch him ; we watched him for three days and found nothing was the matter with him ; he confessed that he had told a lie ; asked him if he had the diarrhœa ; no, said he, I had not ; he told me a lie, and was kept there three days, and dismissed.

Q. Did you know that he had been a run-away ?

A. No, sir ; I did not understand it until afterwards. Before I knew that he was a run-away, I told him that he had told me an untruth.

Mr. Wagner. Was there fire in these lock-ups in winter time?

A. It is the warmest part of the house, I believe, sir.

Mr. Stokley. There is a lock-up in No. 2; were you ever in that?

A. I never was in that.

Q. Do you know anything of McG——n, the boy that had the frosted feet?

A. I have not had a case of frosted feet out there for seven years; we treat cases in a certain way. There has been no cases of frosted feet for the last six or seven years; certainly not for six years, that I am aware of.

Mr. Harper. Did you ever hear of B——d's feet being frosted?

A. I was asked that question. He was not down upon the record. There was no boy admitted in that winter with frosted feet; none on the records. I did not remember of a case. I presume there has been some mistake about it.

Mr. Harper. What is the general sanitary condition of the College?

A. I believe it is equal to any institution in the world. I believe we have as little sickness, as little mortality as any institution in the world. If you were a medical man you would see what an admirable condition it is in. We have never had any ophthalmia; that is a most common thing. We have had some skin diseases; during the last few years there has been very little of that. I believe I may say I have been longer connected with it than any person there; I have been there twenty years as physician, and we have had two or three severe epidemics there: we had an epidemic of dysentery and scarlet fever. We have some spotted fever—not a contagious disease—and we lost three or four, and the winter before the last three or four died; in fact, a terrible disease.

Q. During Major Smith's Presidency has the College been in as good a sanitary condition as it was before?

A. Rather better; two ponds were culverted by his direction. We have had less ague. He spoke to me about them last year, (1866,) previous to the cholera. He spoke to me of the necessity of having some disinfectants. I made a report to the Board, and we had the privies disinfected by an appropriation, which I wrote about. He spoke to me about that also. I think we had a barrel last year and one this

year; it cost the institution \$80 altogether. Shortly after the dismissal of Major Smith there was a statement in a paper of this city—the *Daily News*. I would like to make a remark about it, in which he was accused of having had a little boy, by his peremptory order, taken from his bed to the chapel, from whence he was returned to the infirmary a corpse. I wrote to the editor, stating that this was an entire mistake, that he was not dragged there; he had gone there willingly, and that he was liable at any time to die from the convulsion. I also stated that Major Smith, like all his predecessors in office—Mr. Allen and Judge Jones—had always been kind to the boys; to the sick paternal and kind. He left out all about the kindness, and said, “I know nothing about it;” called for the statement of the nurse, which was given in a day or two. He then said it was dictated to her. I was most indignant at this thing. I considered myself implicated in the matter. If he had been cruel to that boy, he would never have been cruel the second time; he would have been before the Board of Directors at once. I was exceedingly indignant, and advised him to prosecute him for slandering his character; writing it away in that way, without inquiring. That editor never came to me, or asked me anything about it.

Q. Was there any retraction afterwards?

A. I never saw it (the paper) afterwards. I had great difficulty in getting a paper. I understood there was an article in it; and speaking about myself in this matter, I considered myself implicated in the matter. If he was cruel I certainly must have been cognizant, as I ought to have known all the facts.

Mr. Littleton. Did you ever make a remark to the late Steward that that case would teach the President not to interfere with the affairs of the nursery?

A. Not at all. I do not think that I made such a remark to any human being.

Mr. Stokley. I understand the remark was made to Mr. Field, the late Steward?

A. No, sir; I never made such a remark to any one.

Mr. Stokley. Said to have been made on the death of F——y F——r?

A. I do not think I saw Mr. Field that day. I am very

sure that I drove home that day. Mr. Lex; was Mr. Field there?

Mr. Lex. No, sir; he was not there while I was there.

Dr. Hollingworth. I do not think that I am in the habit of speaking about matters of this kind to other parties. I do not think I have spoken to any one but Mr. Cope.

Q. Do you know whether it has been customary to take out the boys from the infirmary?

A. Yes, sir; it is customary here. Mr. Allen has done it once or twice; the Matron has done it repeatedly. It is a different thing from the hospital. These boys are taken out very frequently. It is the object of all of us to get the boys away as quickly as we can, to get them to their studies. They come there to study, and sometimes the Doctor may take a rather different view. He may be on the record as about the house, and the President may think that he is able to go to school. In such a case the boys are taken to the school, subject to the review of the Doctor, and in case that he is right sick, he goes back. It has been ever since I have been in the institution. The boys have been taken away from the infirmary by the President, and even by the Matron—Mr. Allen and Miss Mitchell.

Q. Do you know of any improper exercises of that power?

A. No, sir.

Q. Did not Miss Mitchell take great interest in these affairs?

A. Yes, sir, always; I do not think it is good practice, as a doctor (for others to interfere); I may take a different view from others; I never have seen evil effects from it, however.

Q. Miss Mitchell has a great deal of experience among children?

A. Yes, sir; I do not find fault with them; I presume they thought it their duty.

Mr. Harper. Do these boys sometimes try to go out of the house?

A. The boys are nearly always about the door in good weather; I allow the boys to go out doors. I sometimes give them a little ride in my carriage. I do not want them to be at school always, or always want them to study. A boy in bed is kept strictly there; when he is around the house he is allowed recreation—has his marbles, dominoes, and books—

and in the summer season they like to go about and amuse themselves.

Mr. Harper. Do they not try to avoid seeing you, for the purpose of not being sent to school?

A. That is very common; I look at the record to see who is there.

Mr. Littleton. That may account for the interference of the Matron and President.

A. I do not speak of it as an interference.

Mr. Littleton. Your infirmary is differently situated from what it was?

A. Yes, sir; I presume it is a great deal better; I think the College is benefited by having a distinct building for the infirmary.

Q. Did you know of any boys being locked up, under Mr. Allen, for thirty or sixty days at a time?

A. No, sir.

Mr. Harper. Do you know of any boys being locked up for sixty days?

A. I never heard of any such a case.

Mr. Littleton. Would you think that improper?

A. It would depend upon what he had to eat; prisoners are locked up for ten years with excellent health; it depends on the constitution; and I should think that bread and water would be a very poor diet for a boy for sixty days; I never heard of such a thing.

Mr. Harper. Do you know anything of the diet of the boys in the lock-up?

A. I presume they get the ordinary diet.

Mr. Stokley. You do not know the diet?

A. I know the lock-up has given me a great deal of trouble going up there; once I could not get in, they had knocked off the staple of the door; sometimes the fellows would dirty the room—a bad set of fellows. I have gone up there to scold them for making a noise and kicking up a riot.

Mr. Harper. Did you always find them in good health?

A. Yes, sir.

Mr. Wagner. Where has the lock-up been prior to R——y S——h's case?

A. I do not know, sir, where it was.

Mr. Littleton. Do you know of lock-ups being used prior to Major Smith's time?

A. I never did until his time; I have often received frequent requests to go up and see such and such boys, who were sick, from the Nurse; I have gone up, and never found anything the matter with any of the boys; I examined them carefully, two or three times, presuming they were malingerers.

Mr. Stokley. Did the Major ever request you to go up in No. 2?

A. No, sir; that was only for the purpose of seeing if the boys were sick.

Mr. Harper. How long since the lock-up was removed to No. 2?

A. I think it was some time in the early part of this year; in May, June, or July. It was when R——y S——h was very ill; when he became bed-ridden, confined to his bed, and they made so much noise that I requested they should be taken away.

Mr. Wagner. Prior to that it was always in the infirmary?

A. Yes, sir, for a long while; I have no note of the fact. The infirmary is a three-story building, and R——y S——h requested a particular room; and this lock-up happened to be immediately above his room; the cases of sickness are generally on the first floor. The consumptive little fellow was bed-ridden; he wanted a room in the second story, and there he was, and the lock-up was immediately above him.

Q. Mr. Harper. Do you recollect of any cases when the scarlet fever was in the house of the President, releasing a boy from the lock-up?

A. No, sir, I do not; I do not remember it.

Mr. Wagner. You are still the Physician?

A. Yes, sir.

Mr. Stokley. There are two Physicians?

A. Yes, sir.

Q. How is the time divided?

A. Dr. Biddle takes from the 15th of October until the 15th of April or so; I take the other time.

Professor George J. Becker, sworn.

Mr. Wagner. How long have you been engaged at the College as a Professor?

A. My connection now with the College has been something like eighteen or nineteen years; I think it was the second

year that I entered after the College opening; I am Professor of Penmanship, Drawing, and Book-keeping.

Q. Of course you have been there the whole of the time that Major Smith served as President?

A. Yes, sir; I was also there with Judge Jones.

Q. By Mr. Harper. How have you been supported in the College by the President?

A. I have been well supported; I do not think that I have been better supported by any prior President of the College, received every encouragement I could possibly desire.

Q. Have you ever observed any indolence in President Smith, or any want of punctuality, or promptness in the attendance of his duties?

A. I cannot say that I have. I have no recollection of any want of punctuality on the part of his duty.

Q. Has it been to the contrary?

A. So far as I have observed in my department he has given great attention to it, and would visit me sometimes three or four times a week; has been there half an hour, even for a whole hour in my room. When he was present he would explain some problem upon the blackboard, would express his approbation, or make some observation to me, or to the class; at other times when the pupils were engaged in drawing from objects he would ask permission to assist me; the class being sometimes large, and as he understood the subject well would take the pencil or the brush, and would help me in instructing the class; he has also rendered me great assistance in my department by supplying the water-colors, and has prepared himself some nineteen or twenty drawings of different degrees of finish, showing a set or scale for drawing, which I use in the College.

Mr. Harper. You considered his suggestions and advice of great advantage?

A. From his experience in my department I always value it.

Mr. Harper. Did you ever hear him preach any original discourses?

A. I think I heard him twice; he is in the habit of speaking on the last Sunday of the month; on the fifth Sunday I was not present, therefore I have not heard him oftener.

Mr. Harper. Did you ever see any of the Committee on Instruction in the Schools during the morning sessions?

A. I have, once or twice I think; I will not be positive upon that point. I know that they have been in my room.

Mr. Littleton. Who is Chairman of that Committee?

A. Mr. Heaton; he has been there in the morning.

Mr. Harper. Did you ever see Mr. Fry there?

A. I have seen him there; I do not know whether it was in the morning or in the afternoon; I have seen Mr. Fry, Mr. Roberts, and Mr. Heaton there.

Mr. Harper. Have you seen the President in the schools during the morning and afternoon sessions?

A. As a general thing I have not the opportunity of seeing him in other rooms.

Q. Have you seen the President in the schools during the morning and afternoon sessions; by that I mean in your department?

A. Not the same day, but he has been in either in the morning or afternoon. Sometimes three or four times a week he would be there.

Q. Has the President examined and instructed the graduating class frequently, to your knowledge?

A. I have no knowledge upon that subject.

Q. In your department?

A. I was present once with him when he examined the graduating class in French; this was at the close of the term in the Directors' room; the Committee had agreed, I think, to be there, so I was informed by him; and either have the examination conducted in their presence, or do it themselves, and we waited some time for them. As they did not appear he conducted the examination himself, and after he was through he asked me to examine them in Book-keeping.

Q. Have you a graduating class in your department?

A. I instruct the graduating class; I do all the classes in the higher form.

Q. How often have you seen the President there with the graduating class when it was being instructed?

A. I cannot answer that question in that form.

Q. About how often in the course of the week?

A. These classes change at every hour, at every period; we have six periods of the day—and they change at every period. In mine, however, they change but three times, continuing two hours in session; for instance, I have a class from eight to ten, and another takes its place; I may have the

graduating class in the morning one day, and another day I may have it in the afternoon, and whether he has it once a week, or once a month, I cannot say; I cannot say what class happened to be there at that time; I could not state that.

Q. Have you ever known the President to volunteer to forward the interest of your department by any voluntary labor?

A. That which I have stated; he assisted me in some of these drawings. I do not know of anything else.

Q. Did the President instigate or urge you to write a communication on the subject of the rules?

A. He did.

Q. State all the facts?

A. The first information I had was through Mr. Arey. I met him one evening; he informed me that they were about getting up a set of rules for the College, and he said that Mr. Smith made objections to some of them. And he remarked further, that he feared he would get something worse than these rules that had been submitted. What these rules were, at that time, I did not know. I afterwards met the President upon the College steps; he gave me a copy, and a number for distribution. I happened to take the chapel for him that afternoon, and he requested me to hand these rules to the officers and to all the teachers, which I did. I think it was the day afterwards when he asked my opinion about them—whether I had read them. I said that I had, and I found nothing new, that I had seen them before—not in that form exactly. Some part had been published to us by the President, but when we got it in pamphlet form there were many things added to the improvement of them. He said I would like you to point out to me what you would think objectionable. I asked him if it was for the Board of Directors or for his own guidance; he said I want it for myself; anything that you think is objectionable I would like you to note it. I told him I would do so, and I confined myself strictly to that portion which related to the school.

Q. Were these rules in manuscript?

A. No, sir; they were already printed. I pointed out those parts which were objectionable, and gave my reasons for it, but before I took them to the President I showed them to all the teachers, and they agreed with me that it was reasonable and just. I took it to him and he read it, and approved of it.

I asked him whether he intended that it should go before the Board; he said I want to use it for my own purpose.

Mr. Harper. Mr. Arey said this?

A. No, sir; Major Smith said I want to use it and embody it in a report, either to the Committee or to the Board. With that understanding I left these objections that I had written out. The President having handed this letter to Mr. Heaton, the Chairman of the Committee on Instruction, and as I understand, he approved of it, and he took the responsibility of presenting it before the Board of Directors, where it, of course, was received as a communication coming direct from me, though it was addressed to the President, and they considered it, as I understood, as an insult. It was not written for their eyes or ears. Had I made the communication to them I would not have used the language that I used to an individual to whom I expressed a candid opinion in regard to this matter. I do not know of anything else; it was voted down, laid upon the table, and no action had.

Mr. Littleton. Did you call to see any of the Directors?

A. I saw the Secretary, Mr. Roberts, and also Mr. Foust, and explained to them how the communication came to them when it was only intended for Major Smith. I am not positive whether I saw Mr. Boswell or not.

Q. Did you see Mr. Lex?

A. I have no recollection that I saw him.

Mr. Harper. Do you recollect seeing Mr. Lex in his own house, in relation to the matter?

A. No, sir; I do not think that I ever had any conversation with him upon this subject.

Q. What was the general opinion among the teachers of the rule depriving them of the power to correct at a moment's notice?

A. It was thought that it would rather deprive them of certain influence among the boys, who would not so much fear the law, especially in the primary departments, these little fellows forget the rules of the school and neglect their lessons, and this is a quick mode of bringing them up; also, cases of disorder; the fact that we have the power and can use it, would check the tendency to disorder, but not having the power to use it, waiting for the President, the influence, I think, would not be so good.

Q. What became of a similar rule enacted some years previous?

A. I think it went into disuse. We used to be in the habit of making a report to the President when corporal punishment was to be inflicted, naming the boy and the number of strokes; whether he made any report, I do not know.

Q. What was the general effect, according to your observation of the working of such a rule, a year or two ago—*i. e.* the general effect of it upon the pupils?

A. When the rule was first published, some of the larger boys were trying to see how far they dared go as to the disobedience and in being disrespectful, knowing that you could not punish them yourself. I know I had a case in my own room; the fact of my having taken the power which I had had from the President, I had no difficulty afterwards. The case was that of one of the larger boys; he was very impertinent to me, and let me know that I could not punish him; then I took the ratan and gave him such a whipping that morning that I had no trouble afterwards: it put a check upon the class and upon the others; they felt that I had the authority; I have used it rarely since, perhaps not more than two or three times during a year, and of course now I would not use it again. I would never send for the President, for I think my judgment is as good as his. I who knew the facts, and you could not always convey in words to another the real character of the offence. I think a teacher can much better act with that power than without it, and we have tried in the department to get along without it; we have nearly abolished it; we do not use the rod at all.

Mr. Harper. Did the President, to your knowledge, tell you not to mind the rules, but to go on as before?

A. I have no knowledge, except one morning before chapel, just as the boys were entering the building (chapel) I met the President and I questioned him with regard to the rules. I think it was particularly with reference to this one part, (corporal punishment,) and he told me then that he considered it best not to enforce that rule until he had seen the Committee, and he requested me to state that fact to the teachers until he had communicated with the Committee on Instruction; he believed that that would be removed, stricken out, and, of course, if there was to be no change, it was much better to go on.

Q. Did the President ever speak to you of any rule, excepting the one about punishment? or to the teachers?

A. No, sir; I have no knowledge that he ever spoke to them about that.

Q. Mr. Littleton. Did you ever hear him make any remark not to pay any attention to them?

A. No, I have not; I heard him make a remark that he disapproved of these things, which I had pointed out to him.

Q. Mr. Harper. What was the President's course on being informed of the fate of the paper addressed by you to the President with regard to these rules?

A. He expressed his regret that the Board should have viewed it in that light, as being an insult to them, when in fact it was not addressed to them. It was, in fact, a breach of trust.

Mr. Littleton. Was any regret expressed as to its having gone to the Board of Directors?

A. He regretted having it go in that way. Mr. Heaton did not inform him that he should present it, he merely expressed his approbation, and he asked permission to take it away.

Q. Was Mr. Heaton requested not to present it?

A. Not that I know of.

Q. Did the President say he would explain to Mr. Heaton that you had written it at his request?

A. I have no recollection of his making that statement.

Mr. Harper. Did the President enforce these rules after this thing occurred?

A. Yes, sir; after the second meeting of the Board—after the failure of this effort.

Mr. Harper. Did you ever understand that the President was opposed to the rule or rules, generally? or to his objecting to any as adopted, except non-punishment by teachers? or of his violating any of the rules?

A. I am not aware that he has violated any of the rules. I just made a remark about the rule that he objected to, and he thought that he would seek a remedy through the Committee, and have it corrected and removed.

Mr. Littleton. Can you state, of your own knowledge, whether or not, the President complied with the rule requiring him to deliver addresses at the chapel service once every month?

A. I have no knowledge of that personally.

Q. Well, from any information, what is your information upon the subject?

A. I have heard repeatedly—I hardly ever inquired who spoke—the President addressed the boys in the chapel at times, and at other times somebody else spoke. I have not taken any exact account whether it was monthly or not. I was informed that he made it a rule to address them the last or the first Sunday of every month. I have heard him but twice since he has been there; that is, to deliver a regular discourse. It only happened that I was present twice.

Q. Do you know whether or not he has done that?

A. I am only on duty every fourth Sunday.

Q. Have you ever assisted in that duty?

A. I have.

Q. At his request?

A. Yes, sir.

Q. Has it not been rather a recent matter for you to assist in the chapel service?

A. No, sir; I think it dates as far back as eight years.

Q. I asked particularly in relation to Major Smith?

A. I do not know, it has been not lately. The last eighteen months or two years I have more frequently. For the first years it was only two or three times a year, and during vacation.

Q. You spoke of the President's attention in your department; is he not particularly versed in the matters that you teach?

A. Yes, sir; very skilful, I think.

Q. Do you know whether he has taught or instructed in any other department?

A. I never was present. I heard him once examine a class in French.

Q. Have you had anything to do with the preparation of any of the reports of the President?

A. No, sir; only so far as to make my reports to him.

Q. You had nothing to do with writing any reports?

A. No, sir.

Q. Do you know anything about the lock ups?

A. No, sir; I have never been in the lock-up since I have been in the College. I tried once to get in, but it was locked.

Q. Do you know whether they were used much in Mr. Allen's time?

A. Yes, sir; sometimes they were used over in number five.

Q. That is where the washing department is now?

A. Yes, sir; they were afterwards changed, in order to put in tanks for water; that is the only place that I know of there having been a lock-up.

Q. Has your room been visited frequently by the Directors?

A. No, sir.

Q. Did You ever see Mr. Coleman there?

A. Never.

Q. You would not know him?

A. No, sir.

Q. Did you ever see Mr. Moore there?

A. No, sir.

Q. You would not know him?

A. No, sir.

Q. Have you ever seen Mr. Lex there?

A. Yes, sir.

Q. How often?

A. Two or three times.

Q. Was he on the Instruction Committee?

A. I do not know.

Q. Have you seen Mr. Heaton there?

A. Yes, sir; several times.

Q. Did you ever see Mr. Conrow there?

A. Yes, sir; only once.

Q. Did you ever see Mr. Jones there?

A. No, sir.

Q. Do you know Mr. Jones?

A. Yes, sir.

Q. Did you ever see him there?

A. No, sir.

Q. Did you ever see Mr. Butler there?

A. No, sir; I only saw him once, and that was in the chapel.

Mr. Harper. Did you ever see Mr. Foust there?

A. Not in my room.

Q. Did you ever see Mr. Fry there?

A. Yes, sir; I have seen Mr. Foust, Mr. Fry, and Mr.

Vaux, (as they were on the Committee) there. I think I have seen them twice.

Q. Did you ever see Mr. Fry there?

A. Yes, sir.

Q. How often?

A. He has been there several times.

Q. Did you ever see Mr. Haines there?

A. I think not. I have no recollection of seeing him there.

Q. Did you ever see Mr. Boswell there?

A. No, sir.

Q. Did you ever see Mr. Horne there?

A. I saw Mr. Boswell when I was in the other building; it was not so high up.

Mr. Littleton. You are rather out of the way?

A. Yes, sir.

Mr. Harper. Did you ever see Mr. Horne there?

A. No, sir; I never saw him there. Perhaps I am a little too fast; I think Mr. Horne, last spring, when once or twice the Committee came up in a body, came up with them. I do not remember now. There may possibly have been some up whom I have not mentioned.

Mr. Stokley. I ask whether you know Mr. Haines?

A. Yes, sir; I know Mr. Haines. There are sometimes five or six come together, and you can easily forget who have been there. I think I have in my mind, that last spring they were there once or twice. I think they came there at the time that the boy who was near-sighted was there, and they procured him a pair of spectacles.

Mr. Stokley. Mr. Haines did?

A. I am not sure. The members came five or six times.

Mr. Wagner. There has been no falling off in attendance?

A. No, sir; it has always been about the same.

Mr. Harper. Did Mr. Boswell visit you when you were down on the lower floor?

A. Yes, sir.

Q. Did you ever know of any cases of cruel treatment to the boys? Did any of this treatment come to your knowledge, as done by the President?

A. Not by the President.

Q. Mr. Stokley. Was it done by anybody else?

A. Well, not cruel exactly; but there was one case which

I thought so ; which, of course, is a matter of opinion. I reported it to the President, and he sustained the officer. I did not agree with the President, however, in that. The case was that of a boy who threw a snow-ball ; it was on the north end of the College, and the Prefect gave him twenty marks. I did not see it myself ; it was reported to me by another officer. I frequently communicated with the President upon other matters, because I told him at another time, that I did not think that throwing a snow-ball (which was a tempting thing to do in winter time) was sufficient cause to give him twenty marks. I thought, instead of checking, this would only make the boys feel bitter, and was apt to do a great deal of mischief. I intended to see the Prefect myself. He (Mr. Smith) had seen the Prefect, and questioned him in regard to it, and he said it was a rule. I told him it must be some mistake, as I had called upon the President, and I thought five marks would be as much as he deserved, and would do more good, as each boy would have to stand up fifteen minutes for a mark. I thought the punishment rather unjust. The President did not agree with me ; he said it was a rule, and it had to be enforced. That is the only case that I know of.

Mr. Stokley. What is the boy's name ?

A. I do not remember.

Mr. Wagner. You considered it cruel ?

A. Yes, sir.

Mr. Littleton. It is five hours' punishment.

A. Yes, sir. I considered it really cruel.

Mr. Stokley. Did any boys, or their friends, ever make any complaints to you ?

A. Well, boys sometimes would enter complaints about matters, which, upon inquiry, it has been found that they had exaggerated, and I would take no notice ; and having a knowledge of the state of things, I made no report, as I had no authority.

Q. Did any mothers or friends of boys ever make any complaints to you ?

A. No, sir.

Mr. Littleton. Did you ever hear of any patriotic addresses delivered by the President since you have been there ?

A. I cannot say that I have.

Q. During the war have you heard the subject referred to from the desk ?

A. I have no recollection of it.

Q. Was not that customary under Mr. Allen ?

A. Yes, sir ; Mr. Allen used to frequently speak upon that subject.

Mr. Harper. Were you present upon the Fourth of July, when these patriotic addresses were usually delivered ?

A. I have no recollection of being present. We have had no meeting on the Fourth of July ; it certainly has passed out of my mind, if we had.

Mr. Stokley. Did you know anything of the refusal to hoist the flag upon the occasion of the Gettysburg Cemetery Dedication ?

A. Yes, sir.

Q. Did you not express some disapprobation about the flag not being hoisted ?

A. I think I made some statement of the kind. I do not remember now to whom. I was informed there was something the matter with the flag-staff, or something or other ; some defects.

Mr. Littleton. Were the halyards out of order ?

A. Something of the kind.

Mr. Stokley. When you expressed this disapprobation you got this answer ?

A. Yes, sir. Of course I could not examine it myself.

Fletcher Hartley, sworn.

Q. Mr. Wagner, Acting Chairman. You are Steward at Girard College ?

A. Yes, sir.

Q. How long have you been Steward ?

A. I have been acting since the 4th of November, 1866.

Q. You were necessarily brought into contact with Major Smith, late President of Girard College, in the performance of that duty, I suppose ?

A. Yes, sir.

Q. Will you state to the Committee how the late President attended to his duties, according to your opinion ?

A. I will say our duties are separate and distinct.

Mr. Harper. I see in these rules that rule fourth has relation to the Steward. I suppose you are bound by these rules ?

A. Yes, sir, I am.

Q. Well, sir; would you think it your duty, or necessary under these rules, or proper that you should receive instructions from the President in all the details of repairs, and of keeping in good order the grounds and out-buildings?

A. I should think it my duty, without instructions from the President, to attend to that, as my duty as Steward.

Q. Has the President instructed you frequently to see to the cleanliness of the necessaries?

A. Sometimes he would speak to me, when they would get dirty. Occasionally boys would go in there, and as boys are, they are very careless.

Q. Did the President instruct you to have them washed once a week?

A. Yes, sir.

Q. How often did the President give you these instructions?

A. He spoke to me once or twice about them, when they would become very dirty. I probably had not visited them. It is impossible for me to go around into every hole and corner of the institution.

Q. Did the President call your attention to the state of the grounds; particularly to the pavements, fences, and dead trees, et cetera?

A. Sometimes he would. Every Monday morning there were some repairs to be attended to. That was the general time of meeting to post me about repairs to be attended to about the institution. The condition of it requires great care and watching.

Q. Have you ever received advice from any Director or Directors, to the effect that the President had no right to interfere in your department, of ordering, directing, or supervising any repairs in the College?

A. No, sir.

Q. Or by directing the employés?

A. No, sir.

Q. Did you ever entertain that opinion yourself?

A. Let me understand the question more fully, Mr. Harper.

Q. Do you entertain the opinion that the President has a right to interfere in your department, by ordering repairs?

A. Well, I think that where they hold me responsible, that the President had no right to interfere. That is, for instance, he had no right to direct my men to do other things,

when I had given them directions to do any repairs. I thought the order, on that account, should come through me, if he had any orders to give me; and according to the rules, I am held responsible for the repairs of these buildings and grounds.

Q. Did you ever say to any person that it would be impolitic to co-operate with the President, because he was unpopular with the Board of Directors?

A. No, sir.

Q. Have you received three notes from the President of your failure to report to him, according to the rules?

A. I have received two; I do not recollect of three. I would say, in relation to this, if I have the privilege?

Mr. Littleton. Certainly.

A. That when I entered that place, I, of course, was an officer that had a great deal to learn. In addition to that, I had a great deal of domestic trouble; and in looking over the papers and reports of the former Steward—and they were only a line or two, as, “I beg leave to inform you that my departments are in good condition”—he had made copies of his reports. I thought it was a mere formality, and if I could inform him of these things verbally, it would be sufficient. I had so much on my hands that I could not sit down and get up a report of all my department; I did not know where it would begin or where it would end. I sent something of the kind, (a short message, like the previous Steward's report,) and he took umbrage at it, and sent me an insulting note, and met me in the grounds a few hours afterwards, and insisted upon having my report. I told him I had no further report to make to him. He then reported me to the Committee. And then I asked the question, (as to the nature of the report) and told him I meant no disrespect by not reporting in writing, and that I had been misled by the reports of the former Steward. It seemed to me that he was pressing me up by demanding more business of me, and particularly at the time when I was very much embarrassed. I felt as if I was worried with too much business. The Committee had (when I put the question to them what my reports would be like) considerable discussion as to what it should be and where it should commence, and one of them went so far as to get up a form.

Q. Did you know there were no rules governing the former Steward?

A. No, sir. I presume there were rules governing the College.

Mr. Littleton. Was that the case?

A. I think not.

Mr. Harper. These rules were adopted September, 1866. It has been testified to that the former rules had gone into disuse. Rule second says: The Steward shall make a report in writing to the President of the College once every month, concerning the department. Did you do that, Mr. Hartley?

A. I did, after the Committee instructed me to do so; I believe he was satisfied, and made no complaints afterwards.

Q. Had you not done it up to the time that he complained?

A. No, sir; I had made no report.

Q. In these notes that you received, was your attention called to rule second?

A. Yes, sir; he pointed out several rules.

Q. I mean that one in particular?

A. Well, I do not know what one he referred to.

Q. "Shall make report in writing to the President of the College." Was your attention called to that rule in these notes?

A. Yes, sir, at that time; and he reported me immediately to the Board; that was the day that I received the note.

Q. Did you show these notes to any of the Directors, and advise with them about it?

A. I do not recollect that I did; I might have done so.

Q. Why was it that you did not make these reports?

A. I had so much business I had not time?

Q. Mr. Littleton. I understood that you did make reports?

A. I did afterwards; that has been five or six months ago.

Mr. Franciscus. I understand the principal objection is, that it was not the custom to make reports.

A. No, sir; I always desired to conform to the rules.

Mr. Littleton. Had the former Steward done it?

A. My impression is that he had, and these were copies of his reports.

Mr. Cattell. Mr. Hartley had found out the rule of his predecessor.

Mr. Wagner. You had severe affliction at that time.

A. I had family troubles at the time; I lost my wife, and I labored there until eleven and twelve o'clock in my office.

Mr. Harper. Did you comply with the instructions of the President in regard to keeping up the property account in the stock-book furnished you?

A. No, sir, not until the Committee ordered it.

Q. Why did you not do it?

A. Because I did not think the President had any right to make a book of that kind; I believed it was his own suggestion; it had not been carried out by the former Steward, in any prior year, and it seemed to me to be a farce.

Q. Did you say to the President that he had done nothing but throw obstructions in your way?

A. Yes, sir, I did.

Q. Will you state what these obstructions were, and the number and nature of them?

A. I cannot give you all of them; I can give you some of them.

Mr. Cattell. I object to these questions, as Mr. Hartley is not on trial here.

Objection not sustained.

Mr. Hartley. The first requisition I got was for some articles not in my store room; I went down town on Saturday. On Monday following was the day for issuing stores. Some articles that did not come on Saturday came on Monday; I was not there to receive them; the President was there, and he sent the goods away; one of the Prefects was there, and he said to the President: "That probably the Steward had ordered them." The President said: "It did not matter." "The Steward was in a hurry," and he sent them away.

Q. What kind of goods were they?

A. They were brushes.

Q. Were they articles needed?

A. Yes, sir.

Q. Was there any explanation given about that by the President?

A. There was no explanation given to me, not that I recollect of; he might have given some explanation.

Mr. Harper. Were you aware that rule II was the rule of the College?

A. Yes, sir, I am aware of it; I had it pointed out to me upon several occasions by himself (Major Smith); it seemed to me that that was the rule that he always applied when there was any misunderstanding between us.

Q. That has reference to cases of emergency. In cases of rebellion I suppose that the President would have the right to summon all the officers?

A. I went to him upon one occasion when I had sent some men to take care of some grass that had been cut, for fear of rain, and when I came back there was nothing done; I went to him and asked him what was the reason. He said "He had the right to order these men," and he pointed to the rule: "That he was the father of the establishment, and could do as he pleased."

Q. Do you remember what it was they were ordered to do?

A. He ordered them to shake some carpets. Upon that very day I had detailed other men to do that very work.

Q. How long did it take them to do that?

A. I cannot tell how long it took them.

Q. Cannot you give some idea?

A. I found that the work (my work) had not been touched.

Q. How long a time was it?

A. I gave the orders at 10 A. M.

Q. You came back at 2 P. M. They had been taken away about four hours?

A. Yes, sir. I had detailed three men to do the same work that the President had directed the men to do, and they did not get through with their previous work exactly at the time that he happened to want the work done.

Mr. Littleton. You considered that an improper interference in your duties?

A. Yes, sir; I thought the order should come through me, and I thought my work was of more importance than shaking carpets, having previously detailed men for that purpose.

Q. Were you present at the time the order was given by the President?

A. No, sir.

Q. Then he could not very well have asked you to do it. When were you elected Steward in Girard College?

A. I was elected in July.

Q. Did he give you orders at that time, or acknowledge you to be the Steward?

A. No, sir.

Q. State when he did?

A. Not until November, 1866.

Q. Did you ever purchase anything at that time which was sent to the College?

A. Not until the Court decided that I had the right to go in there.

Q. You never assumed any duties?

A. No, sir.

Mr. Francisus. The reason was, that the position of the other Steward was contested?

A. At the time that it was in contest the President was acting as Steward.

Q. You say the other case was not settled until November?

A. I went there the 1st of August.

Q. Mr. Harper. Did the Board of Directors recognize you as Steward?

A. Yes, sir; it was out of respect to the Court, they did not install me formally; they elected me in July.

Mr. Littleton. Did they not pass resolutions directing the President not to recognize the other Steward?

A. Yes, sir.

Q. Mr. Harper. Had you not been installed as Steward?

A. No, sir; they directed him to give me an office in the building between these times.

Q. Mr. Littleton. Did the President give you an office?

A. No, sir; and I had great difficulty in obtaining an office after I was installed.

Mr. Harper. Did you not get a room in No. 3, after the passage of the resolution?

A. No, sir, I did not. He said that I could use his office, as I had no business to attend to, and I waived that privilege; but when I was installed I found it was necessary to have an office. He said the former Steward had used his house. I told him it was impossible from the fact of the sickness in my family. He said then, "Use your back kitchen." I then took a small store-room; on one side was a mangling machine, and it was filled (the room) with boots and shoes, and altogether had a very bad smell, and they crowded the room until the Matron persuaded me to take a small dining-room, which I have occupied until three weeks ago.

Mr. Littleton. Do you know anything about the flag raising?

A. I was not there at the time.

Q. Were you ever in the lock-ups?

A. I was once, at the solicitation of one of the Directors.

Q. How long ago was that?

A. It was last winter some time.

Q. What condition were they in?

A. My attention was called there by the Governess, who said the windows were open. It was very cold, and she wanted me to go there and fix it. I said I would rather not, as I had been charged with interfering with the discipline of the College, and I did not wish to give any coloring to that charge.

Q. Did you go?

A. No, sir. I did not go with her; I went with one of the Directors. He asked me to show him where they were.

Q. Where were they?

A. Over the infirmary.

Q. What condition were they in?

A. I found the fastenings out of place, and the wind would blow the window open.

Q. Was there anybody in the lock-up?

A. A small boy sitting upon the floor. There was a chair, and I think something to eat, with a cup of water and some bread; something of the kind. It looked very desolate to me.

Q. Was he exposed to the wind?

A. Well, unless he would get in bed he would be very much exposed.

Q. Unless he were to stay in bed all the time?

A. Yes, sir.

Q. What month was this?

A. I could not say; it was very cold weather.

Q. How long had he been there?

A. I could not say.

Mr. Wagner. Was it hot weather or cold weather?

A. It was very cold weather.

Mr. Harper. Was that over the infirmary?

A. Yes, sir.

Q. Was there fire in the building?

A. There was a hot water apparatus; it did not heat the building thoroughly.

Q. Did it not heat up there (the third story?)

A. No, sir; not so much as the other apartments of the building.

Mr. Littleton. Were you ever in the other lock ups?

A. Not until a few weeks ago. I know very little about the discipline of the College. I have my special duties to attend to, and I attend to them.

Mr. Harper. Who made a charge against you of interfering with the discipline of the College?

A. One of the Prefects told me that the President had made that remark himself, after a household meeting, that I had come in there as a school-director, and as a politician, and they should be careful of me; that I would interfere with the discipline of the College; and also made some other remarks about my political opinions.

Q. Who was it said this?

A. Mr. Cope.

Q. What was the specific charge? With interfering with the discipline in what way?

A. I do not know what the charge was. That was the remark he made before them, (the Prefects,) that they should be careful. If I am rightly informed, he wished them to array themselves against me, as I was a dangerous man.

Q. Because you were a politician and a school-director?

A. Yes, sir. I would like to say here, in my own defence, that I never interfered with a man for his politics; never removed a man for his politics out there; and I never interfered with the discipline of the College.

C. R. MORGAN, M. D.,

Sworn Reporter.

December 6, 1867.

Miss H. M. Franklin, affirmed.

Mr. Harper. Do you know this little F — y F — r?

A. Yes, sir.

Q. Do you know anything about his sickness; how long he had been sick?

A. He had been ill for quite a length of time, I do not know how long it was; quite a long time.

Q. What was the peculiarity about his sickness?

A. He was sick, and his disease was spotted fever; after he recovered from that, it left him with a weakness, and he was at the infirmary quite a length of time. He seemed to be well, and seemed to have a good appetite, and seemed to be running around. He would come to his section; and no more than come in and sit down, before he would fall, get weak in his limbs, and then I would send him down to the infirmary again. He would stay for some length of time, and Mrs. Lewis would let me have him again. He would come to the table after meals, and as I would take my children out to the play-ground, it seemed that the walking or going up and down stairs was too much for him, he would fall; he would go right down. I do not know what the occasion of it was that followed the fever.

Q. Did he ever have anything like convulsions?

A. The Doctor thought that he had convulsions inwardly; I saw nothing of the kind.

Q. At times he would be better, would he?

A. Yes, sir; he would come to the table and be as merry and cheerful as any little fellow there; and he would play; but this took him all at once. He would fall if he was on the chair. It seems as though it was on account of the weakness; somehow or other he would fall whether he was on the chair or not, and the boy that stood next to him would have to hold him.

Q. Did he go to school?

A. I do not think that he did; while he was ill he was at the infirmary most of the time.

Mr. Harper. What do you know in relation to the circumstance of his death?

A. Well, on the 6th of May I was on chapel duty; I was taking my children out of the gate-way, and he came along, Major Smith was leading him; he seemed very cheerful, and very happy, and seemed to be very glad to get back among the boys again, and Major Smith gave him to me; he was talking with the children; he went up the steps very nicely; did not complain at all; he went into the chapel, and Mr. Lex was speaking that Sabbath. He went in, took his seat, he sung, and I saw nothing until they sung the second time;

and while Mr. Lex was speaking he was sitting close by me, and he (F——y) commenced crying, as he generally did. I thought the boys were doing something to him. I went forward and I saw that (F——y) he had one of his spells; and then I hardly knew how to get at him, because he was on one of the benches, but one of the gentlemen in the chapel with me came forward and lifted him (F——y) out, and carried him (F——y) in his arms to the infirmary.

Q. Did you follow him (F——y F——r) over to the infirmary?

A. No, sir; I was on duty at the time.

Q. Do you know anything about Major Smith's treatment of the boys, whether it was kind?

A. His treatment was kind indeed, and if he had been one of his own family he could not have treated him better.

Q. What other Governesses were on duty on the same day?

A. I really could not say about that; I do not know; I know I was on duty myself.

Mr. Warren Holden sworn.

Mr. Stokley. What is your position in the College, Mr. Holden?

A. Instructor in Mathematics.

Q. One of the Professors?

A. Yes, sir.

Q. Was your department properly looked after by the President of the institution?

A. I do not know what would be properly looking after it; I can tell you how often he visited my school, and attended my classes, if that is what you mean.

Q. That is what we want to get at?

A. I should think that he merely passed through my room once in two weeks on the average; and he stopped to examine classes once in two months on an average.

Q. How long would he remain?

A. When he stopped to examine classes he would remain half an hour, and give a thorough examination.

Q. How often has he been in the habit of visiting there during the last year, to examine classes?

A. I think my previous answer covers that ground; about as often as once in two months.

Q. During the whole period of his being there?

A. Yes, sir; I should think that would be about the average.

Q. You state that during the last year you think that once in two months would be about the average?

A. Yes, sir, I think so. During the last two months that he was there he examined my classes once: but he passed through my room as often as once in two weeks, merely passing directly through from Professor Becker's room to Professor Corson's.

Q. Did you ever hear the Major deliver original addresses in the chapel?

A. I think as often as two or three times. If you refer to the exercises on Sunday, out of the number of times that I heard him there, I think that twice his discourses were original.

Q. What were they upon other occasions?

A. I do not remember but one other occasion on which he spoke; last Fourth of July President Smith introduced the exercises with a few remarks.

Q. What was the nature of those remarks? Were they patriotic?

A. I think they were designed to be rather humorous. There was some allusion to "Spread Eagle;" so far as patriotism could be predicated of them, I know they were intended to be patriotic. For Major Smith has told me, within the past two years, (and he has told me more than once,) that he was unjustly accused of being disloyal.

Q. Was the Declaration of Independence read there?

A. I think it was upon that day.

Q. Did he read it?

A. I recollect of his reading it; whether it was that day or another, I do not exactly remember. I think some boy was appointed to read it, and failed to prepare himself thoroughly.

Q. What has generally been done on the 4th of July in the chapel, during Major Smith's time?

A. Well, it appears to me now, that we have not always had exercises in the chapel on the 4th of July. But whenever we have had them, when Major Smith has been there, the Declaration of Independence would be read, and some speeches made by the boys. That is if I have not confounded

the 4th of July with the 22d of February. However, my recollection is that on several occasions we had exercises.

Q. The exercises were omitted in the chapel, and the boys were permitted to play?

A. Yes, sir; on several occasions, either of the 22d of February or the 4th of July. I cannot tell exactly which.

Q. What do you mean by all the exercises being omitted on the 4th of July. Do you mean nothing was done at all?

A. As I remarked at first, I may be confounding the two dates. Whereas, formerly they were always celebrated, the celebration has been omitted since Major Smith has been there, and the boys have been permitted to play all the time, or be absent.

Q. Were the boys ever out of the College on the 4th of July?

A. No, sir; I think not, except boys of the third degree, or the class of honor.

Q. Did they not generally have full holiday on the 22d of February?

A. Yes, sir.

Q. Do you mean during Major Smith's administration?

A. Yes, sir; it is my recollection that they did.

Q. Mr. Littleton. Then your recollection must relate to the 4th of July, because if they had holiday entire, you would know it.

A. I cannot recollect whether they were always so or not.

Q. They were never allowed to go out entirely?

A. No, sir; only the boys in the class of honor.

Q. Do you mean the third degree?

A. Yes, sir.

Q. Do you not think that you can recollect whether there were always exercises at 10 o'clock on the 4th of July?

A. Well, I do not know whether I was on duty always, but my impression was, that it has been omitted. I may be mistaken; I may have confounded the 4th of July with the 22d of February. I know that on some of these days the exercises have been omitted, and I know it has been remarked, because it was understood that it was very desirable on these days to have exercises.

Q. How long have you been in the College?

A. About fifteen years.

Q. Was it customary previously to have holiday on the 22d of February?

A. No, sir. We always had services in the chapel; sometimes pupils on a day like that would be permitted to go out into the city after dinner.

Q. You always had services on the 4th of July?

A. Always?

Q. And on the morning of the 22d of February?

A. Yes, sir.

Q. Boys were allowed to make addresses and recite pieces?

A. Yes, sir.

Q. Was not considerable attention paid to that by the late President, Mr. Allen?

A. There was.

Q. And by the officers of the institution?

A. There was.

Q. Mr. Harper. Do you remember always being present yourself on the 4th of July?

A. Yes, sir. I remember very well that I would have liked to be out when some others were absent. But I thought it my duty to be there; I did say a moment ago that I might have been absent, meaning that I might have been absent from the City. Formerly our vacation commenced on the 1st of July, then those who had the vacation from the 1st of the month would be absent on the 4th of July. Since Major Smith has been there, it has not been until the 5th, (that is, the vacation did not begin until the 5th.) Then I would not be out of the City.

Q. Then you would know certainly whether upon some occasions they were omitted?

A. I would know if I recollected. I do know that they have been omitted either on the 22d of February, or on the 4th of July. I would not like to say that they had been omitted on the 4th of July; it is my present impression that at least on one 4th of July, the boys did not go to the chapel at all.

Q. Do you recollect of a public celebration of the 4th of July in 1865, there, when Mr. Lex delivered the address in the afternoon?

A. I do not recollect the particular circumstance.

Q. Was not there a band of music there on the 4th of July, some year? try and recollect? Do you not recollect of his

delivering an oration on the 4th of July, 1865, to the boys, and the boys having had a meeting afterwards?

A. I do not remember distinctly. I have heard Mr. Lex there very often. I have no doubts about it, if anybody else recollects it; I cannot recollect it myself.

Q. Was Major Smith a good mathematician?

A. Yes, sir. Excellent.

Q. Competent to take charge?

A. Yes, sir, undoubtedly; that, I understood, was one of his peculiar branches. He taught it for many years.

Mr. Littleton. Do you teach the graduating class?

A. Yes, sir.

Q. Do you have the whole of the class in your department?

A. Yes, sir; I have them at regular hours; five hours a week.

Q. Do you know of the rule, that he should examine the graduating class at least once a month?

A. I think that he did.

Q. Do you know the rule in reference to the chapel service by the President, requiring him to deliver the address at least once every month?

A. Yes, sir; I know there is such a rule.

Q. Do you know whether it has been complied with?

A. I infer that it has, from what the President has said—that it was his turn once a month.

Q. Did you ever hear him deliver more than these two addresses?

A. No, sir; it is my duty to be there once in four Sundays.

Q. That is the reason you have not heard him at any other time?

A. I have heard him take the exercises four or five times.

Q. I mean deliver an address to the pupils?

A. I do not know that more than those (two) were original.

Q. Did you ever hear him make any patriotic remarks to the pupils?

A. Only last Fourth of July, when he made a few remarks.

Q. Upon any other occasion?

A. I do not recollect.

Q. Have the boys received any patriotic instruction during the time that he has been there?

A. I would regard the speech, such as Dr. Harris delivered, as patriotic instruction.

Q. As a general thing, has it been inculcated (patriotism) as a virtue, and so forth?

A. Well, during the existence of the war, from some things which came to my knowledge, I should doubt whether it had.

Q. You state you should doubt whether it had been taught?

A. It can be taught by actions as well as by words.

Q. Can you state anything which led you to form such a conclusion?

A. There was one occasion when the Government had ordered that the flag should be raised upon all places under Government control, and it was required by the invitation that every person should put it out. I believe everybody who had a flag, did put it out in the City. I understood, on that morning, the Carpenter had gone over to get permission to raise the flag, and I believed it would be raised. President Smith said, in the chapel, after the pupils had requested it should be raised, "That it would be improper; that it was not a public institution under the control of the United States Government;" and it had been ordered that the flag should be raised at such places.

Q. Do you recollect what occasion it was. Was it the occasion of the celebration of the dedication of the Gettysburg Cemetery?

A. Yes; I think it was.

Q. Did you hear the President state that the flag ropes were not in order?

A. I know they were not out of order; if they had been, the Carpenter would not have gone to get permission to raise the flag; they were out of order afterwards, and remained so a good while.

Q. Was the flag raised upon that occasion?

A. No, sir; it was not.

Q. Do you know of the flag having been raised on the celebration of any of the Union victories?

A. Subsequent to that the ropes were broken for a considerable time, and it was noticed in the newspapers, and a good deal said about it.

Q. About the flag at Girard College?

A. Yes, sir; then the halyards were mended, and the flag was put up and kept up every day for a week, although there was no particular occasion for having it up.

Q. Was it ever raised upon any particular occasion?

A. Subsequent to that it was.

Q. What occasion; was that before the war was completed?

A. Yes, sir; after that time.

Q. You mean after the conclusion of the war?

A. No, sir; I mean after this time when there had been so much said about it in the papers.

Q. It was not raised until this public talk in the newspapers was made?

A. No, sir.

Q. Have you ever been present at any of the burial services, when pupils died there?

A. I have always been present when they were buried inside the walls.

Q. Has there always been a regular service?

A. Yes, sir.

Q. Conducted by the President?

A. I think I recollect one occasion when it was conducted by the President.

Q. Do you know of any pupils being buried without funeral services?

A. I do not.

Q. Does the society, called the "Girard Brotherhood," still exist?

A. I think not.

Q. Do you know how long since it has ceased to exist?

A. I was one of the officers; I have not been called upon for three years to undertake that duty.

Q. Was there any encouragement to keep it up?

A. I do not think that President Smith was favorable to it.

Mr. Harper. What is the "Girard Brotherhood?"

A. It was a society of the pupils similar to what they have in all the colleges. It was a literary society, where they had discussions of questions and declamations, and so forth; and after the pupils left the College it merged into the larger society of the graduates.

Mr. Littleton. Do you know whether President Smith was opposed in spirit to this institution?

A. I think he was.

Q. Do you know of any sufficient cause for such opposition; was there any misconduct among the graduates or pupils to occasion any such feeling, or proper reason for such feeling?

A. I do not know of any reason for it being assigned; as far as I know of any, it was alluded to as doubtful if any such thing would be of benefit to the pupils. I think it was of benefit at the time.

Q. Do you not think it was a benefit?

A. I do think so.

Q. What changes were made in the organization of the school at the time the Industrial Science was introduced?

A. At that time President Smith prepared a programme of studies by which the upper classes were given, to a great extent, to the branch of Industrial Science, and Moral Science, and Rhetoric, et cetera; and Professor Stevens told me that President Smith had shown him a programme in the morning, and in that programme the Mathematics were given to the higher classes. In the evening we met to discuss the programme, and that had been reversed. The upper classes had been taken from me and assigned to the teacher of Moral Science. I remonstrated against that very strongly, as my place had been given to the Professor of French, and the condition of things in the morning reversed.

Q. You mean the Professor of Moral Science?

A. I mean that in the morning, as Professor Stevens will testify, that the lower classes were given to the Professor of French and the upper classes to the Professor of Mathematics; but in the evening the upper classes were given to the Professor of French, and the lower classes to the Professor of Mathematics and the Professor of Moral Science and Rhetoric.

Q. Do you mean that they were not to be taught Mathematics?

A. They were to be taught Mathematics so far as that Professor could possibly do it. I say I remonstrated against that; I used all the argument I could bring to bear, without any effect, and I thought President Smith had acted contrary

to his own better judgment, for he had made out the programme differently.

Q. Who was the Professor of French?

A. Mr. Brégy. Mathematics were not given to me. Professor Stevens used to teach it, but he could not give it the necessary attention. The Branch of Rhetoric, Moral Science and History is a crowded branch.

Q. Was the programme altered to suit your wishes?

A. No, sir; it was not altered for a year and a-half.

Q. What led to the alteration afterwards?

A. Why, Professor Corson succeeded Professor Stevens, and he remonstrated against having the Mathematics. It was obvious that it was inconvenient, and it could not be properly taught, and I think that President Smith himself began to feel that Industrial Science was a partial failure, and he at that time began to modify things more in accordance with the condition that they had been in before.

Q. Were these higher classes then given to you?

A. They were.

Q. And you still have them?

A. Yes, sir.

Q. Has the position of Industrial Science been continued? You have answered that partly.

A. It has not been formally changed. Professor Stevens now has charge of that branch. I cannot answer as to how far it has been carried out. The instruction in Chemistry and Natural Science is the same as before.

Q. Did you ever hear the President complain that the pupils became demoralized under the Department of Industrial Science?

A. I did not hear him say so myself; I heard he did say so.

Q. Who had charge of that department?

A. Dr. Van Der Weyde.

Q. Do you know of any instances in which the President sustained officers in the infliction of excessive punishment, after having had his attention called to it?

A. Well, there was one instance coming under my immediate knowledge last winter, in which, passing under the portico, I heard the Prefect call out to a boy twenty marks for throwing a snow-ball. I spoke to one of the lady teachers, passing at the time, and said "that I thought it was calculated to impair the discipline of other teachers who were only in

the habit of giving one or two marks." I requested Professor Becker to speak to the President about it. Professor Becker told me that he did so, and the President sustained him (the Prefect.)

Q. You considered that excessive?

A. Why, certainly.

Q. How long would the boy be punished for that?

A. The boy would be punished for that immediately, and be detained five hours from the next vacation—that is fifteen minutes for every mark. And another instance in which I considered that President Smith has sustained the Prefects in the inflicting of excessive punishment, by delegating to them too much authority. An instance occurred in the summer in which I was particularly concerned, and came under my immediate attention. A boy, J——h W——y, appointed by me a monitor to assist the ladies in keeping school during vacation—all the ladies have two classes—this boy had served faithfully for nearly three weeks, and was preparing to have his vacation. The boys were entitled to two weeks vacation if they have nothing against them. He was on his last week in making up his marks that I have referred to—fifteen minutes for every mark. He was absent one day; the lady teacher sent word to me that the monitor was not there, and requesting me to send another. I sent another in his place, and next day, wishing to inquire into the matter, I asked Mr. McFarlane if he knew where W——y was at that time. It appeared that W——y returned very soon to his place, and the lady kept him there, and kept them both. I was not aware of that, merely wishing to explain where the boy was, as he was under my charge, I asked if he knew where the boy was. He said, "I will ask him; where were you?" "I was in the linen room, seeing about my clothes, preparing to go away," replied the boy. "I will take away your vacation," said the Prefect. I did not say anything. I wanted to rescue the boy from such a punishment as that. I called the boy to me and told him I wished him to behave well, and I thought it likely that Mr. McFarlane would modify that punishment. The next day I saw Mr. McFarlane about it, and he told me the lady had seen him, and that he had concluded to abate the punishment and take it away entirely. I asked him if it was not pretty severe. He said he suspected the boy had been over the wall.

Q. Was that punishment inflicted?

A. No, sir.

Q. Do you think that he would have inflicted it if he had not been requested to do so?

A. I cannot tell about that.

Q. Had he authority?

A. He evidently had authority, because the boy did not think of appealing to the President about it, as they would now.

Q. Do you know of any other cases where the President has delegated authority to a great extent?

A. The last visiting day the boys had, the third Wednesday in October, one of the Prefects kept back a whole section from their entire day, for the offence avowedly of a few.

Q. Was any appeal made to the President in that case?

A. I judge not; I do not suppose the boys made any appeal to Major Smith.

Q. Do you know of any complaint having been made against that officer for such an act?

A. I know that complaints have been made to President Smith about the unjust and excessive punishment, but he has always sustained the officers. I have understood that it is the boast of his friends, that he always sustains his officers.

Q. Do you know of any case in which the appeal of a boy has been sustained, in any case of discipline?

A. No, I know of no case; the President has always sustained the action of his officers.

Mr. Harper. Was that since the dismissal of Major Smith?

A. Major Smith's term expired on the first of November.

Q. Mr. Littleton. It is since the resolution of dismissal was passed?

A. Oh! yes, sir.

Q. Did you ever hear the President designate the pupils as paupers, or as having no rights, or anything to that effect?

A. I have heard something to that effect; the precise words I cannot give.

Q. Have you heard sufficient from him to convey to your mind the impression that he meant to speak of them as paupers?

A. I understood him to convey the idea that they belonged to the lower classes; I understood him to convey an idea different from what it appears to me is the true one; to re-

gard them just as the pupils in all public schools, taking them one with another.

Q. He seemed to consider them of the lower class?

A. I thought so.

Q. After the new rules were adopted, in September, 1866, and had been distributed among the officers, did the President either direct or permit you to go on just as before?

A. The morning after they had been officially distributed through Professor Becker—Mr. Smith being absent—I asked instructions of Major Smith in regard to them, and he answered, that he did not intend to recognize them. I answered him, I would be very slow to disobey the positive requirement of the Board.

Q. What did he say to that?

A. There was nothing more said.

Q. Did that relate to the whole of the rules, or was that a general remark?

A. I think it was in reference to the rule about whipping; that is my recollection; I am not certain.

Q. What was that rule?

A. The rule was that no corporal punishment should be inflicted, except in the presence of the President, and with his consent.

Q. He was opposed to that rule?

A. I inferred so.

Mr. Harper. What is your opinion about that rule?

A. I think, in general, if the rule did not exist it would be better, or have thought so, except as regards the older boys.

Q. I wish to know your opinion of the rule in general.

A. My opinion is, that it becomes very difficult to govern young pupils, unless the officer has authority to use the rod. That was my opinion, and has been all along; but since the operation of this rule, as far as my own experience goes, I think it a good rule. In saying that, I think it desirable for an officer to have authority to punish corporally very young pupils. I am giving particularly the result of my intercourse with other teachers who have charge of them (young pupils.) I have not had charge of them myself. In regard to the older pupils, I think we can wait. The consequence has been, from my own experience, that much less punishment is given. The officer may have designed to punish a boy, and he has laid aside that design.

Q. Has that rule been detrimental to the College, to your knowledge?

A. Not so far as I am concerned with it.

Q. So far as your knowledge goes, is this rule beneficial?

A. Yes, sir; so far as I am concerned it is a good rule.

Mr. Harper. The reason of that is because you have charge of the older boys?

A. Yes, sir; I am free to confess, if I had charge of the younger ones, from what I know now, I should think it desirable to punish them upon the spot.

Q. Have you had charge of any of the sections since Major Smith has been there?

A. No, sir.

Q. Do you know whether it is the practice to punish a whole section for the offence of a few, or a portion?

Mr. Littleton. The instance that I mentioned some time ago about keeping a section. Do you know what the offence was in that case?

A. I understood that there was a noise in the dormitories before the time for the boys to get up in the morning. I understand the usage of the Prefect is, wherever a sufficient number of boys will own up, the section may go free. On the same occasion, it was understood that Section B also was to be kept back for a similar offence; and I understood the Prefect said, if twenty boys would own up that he would let them off. They did get off; but some of the boys, I understood, who owned up were not the ones who committed the offence. That is, boys would own up for the purpose of getting off.

Q. Would he allow those to go who owned up?

A. Oh, yes; the punishment was not to be for the whole, and only a few marks for the ones who owned up. The object of the excessive punishment is to induce the boys to own up, and then to give them a lesser degree of punishment, such as would have been given had they been detected by the Prefects.

Q. Was not that direct encouragement to lying?

A. If the right boys did not own up it would be.

Q. Do you know anything about the lock-ups?

A. No, sir; nothing from my own observation.

Q. From your information, do you know of any case where

a boy has been confined there (in the lock-ups) for a space of thirty days?

A. No, sir; I do not know anything about that. I do not know that any boy was confined as long as that. My impression was that they were not confined over two weeks.

Q. Do you not think that that length of time would be too long to keep them? likely to prove injurious to their health?

A. I do not know that I can judge of that. I do not think that I would resort to that punishment at all myself. I do not know whether it would be injurious to their health, or not.

Q. Do you know of any case of excessive whipping, from information?

A. There was a case of very excessive whipping, in the early part of his administration, by a Prefect by the name of S——n. He whipped a boy excessively. The boy was kept by the Matron until he became sick, so that he had to be taken to the infirmary. As he was very sick, and his mother had to be sent for, and she discovered the marks of his whipping.

Mr. Littleton. Do you know whether anything was done to that Prefect?

A. No, sir; he was sustained, and kept there fully a year after that.

Q. Who was the nurse?

A. The Matron had the charge of him; she is not there now?

Mr. Cattell. Who was the boy?

A. The boy's name was S——n.

Q. What is the general behavior of the boys under your charge?

A. I consider their behavior good.

Q. Do you have any punishment?

A. I very seldom punish; I either give the boy what we call a mark for not learning a lesson, or for any disorder; for talking at improper times.

Q. Nothing beyond the "mark" which deprives them of some liberty?

A. Yes, sir; occasionally it is necessary to use the rod.

Q. You do use the rod in your room?

A. Yes, sir.

Q. You inflict the punishment yourself?

A. Since the rule it would be done in the presence of the President. I have not had occasion to do it for two months, as I said awhile ago, since the operation of this rule, I find we can get along with a less use of the rod. And after we have thought of the case awhile there is less inclination.

Mr. Littleton. It tends to correct the teachers?

A. Yes, sir.

Q. Mr. Cattell. Do you send immediately for the President?

A. If it is a light offence we leave it until the President comes through the room. If it was a case that demanded immediate attention, we would send for the President.

Q. Mr. Littleton. Have you ever taught boys in other schools?

A. Yes, sir.

Q. Where formerly?

A. I taught in Carlisle, New Jersey; and in Virginia.

Q. Is it more difficult to manage the boys in Girard College than in the schools you have formerly taught?

A. I think in some respects it is, for the reason, that in other schools the appeals can be made to the parents, and the boy can be dismissed at once, and it is to the interest of the parents that the boys should be kept at school. I think that the management of Girard College is more difficult than any school I know of.

Q. Do you not think the fact that you have absolute control of the boys would give you an advantage which you have not in other schools?

A. Well, it would if there were a sufficient number of officers, but where one officer has charge of sixty or seventy pupils, it is impossible, I should think, to exercise the same kind of discipline as in a family.

Q. Do you not think the effect of that rule (of allowing parents to be the judges of punishment) is in a measure apt to interfere with the discipline?

A. I think it may interfere with the discipline, if he (the boy) cannot be suspended; and he knows you cannot resort to corporal punishment. It gives him a strong hold, and enables him to govern in a measure.

Mr. Harper. Mr. Holden, I think you stated in your testimony that Major Smith said upon this occasion, of the dedication of the Gettysburg Cemetery, that he said to some one,

I do not know to whom, that Girard College was not a public institution, and that there was no necessity of putting the flag up. To whom did he say that.

A. To the assembled school and teachers?

Q. Do you think the boys in Girard College are as good as the average class of boys that attend our Public Schools?

A. Yes, sir, I do.

Q. Have you ever taught in Public Schools?

A. I have not, in this City, but in other places; I have taught Public Schools in Carlisle.

Q. Mr. Cattell. You have been in the College fifteen years?

A. Yes, sir.

Q. Who has been President of the College during that time?

A. Mr. Allen was President when I was there.

Q. Mr. Allen and Mr. Smith?

A. Yes, sir.

Q. It has been said that Major Smith was not as kind to the boys as he ought to have been at the College. Can you give any opinion comparing his treatment with that of former Presidents?

A. I am satisfied that Major Smith was not adapted for Girard College. It might not have been his fault; I do not consider it his fault. I consider the President of Girard College requires a rare combination of qualities; and I do not think that it is a disparagement to any man to say that he is not qualified for Girard College. It requires extraordinary abilities, and at the same time extraordinary sympathy with children, with their wants and dispositions. I certainly think that Mr. Allen has these qualities in a much higher degree than Major Smith.

Q. I do not remember what you said about the lock-ups?

A. I do not know anything from personal inspection; I know from rumor, and what others have told me; and when Professor Corson was there he visited them. He visited one of the lock-ups over the infirmary, and found the boy in what he considered an improper condition, and brought him down, had him washed, and sent down to the woods. He reported the case to Major Smith, and the Major said the boy deserved to be whipped.

Q. What condition was the boy in, sir?

A. He said the boy was only partly dressed, and he had a pitcher of water and some bread, and his own filth was in a corner of the room, and the room smelt very badly. This was in very warm weather, during vacation; either the month of July or August. President Smith was absent from the City at the time, and Professor Corson was acting in his place, and Professor Corson had the boy brought down and taken care of, and sent down to the woods for recreation.

Mr. Harper. Was it during Major Smith's absence from the City?

A. Yes, sir; he was absent for a few days.

Mr. Cattell. Do you know whether there was any convenience in the rooms?

A. I think not.

Mr. Harper. Do you not know it was customary to take them down for that purpose?

A. Yes, sir; I understood it was the custom to take them down.

Mr. Littleton. What would become of a boy if he had a desire of that kind in the meantime?

A. I suppose that that took place in this case, and that is what I supposed Major Smith meant by his remark.

Mr. Harper. You said you thought the President delegated the authority to Prefects and others, and you thought that it was too great. I would like to ask you a question, whether he ever delegated any such authority to you that he thought you might possibly abuse?

A. No, sir; I do not think that he did.

Q. Has he delegated authority to you that you might have abused?

A. He has delegated authority to me that I might have abused, I suppose.

Q. Well, if you had abused it, would you think he was responsible for that abuse?

A. I said in my testimony that I thought the President had delegated improper authority, because he had delegated authority which his predecessor never delegated. It was not in matters that I attended to myself. If I had not the fortune of having been under other administrations, I might not make the observation.

Q. What do you consider the authority which was improper?

A. The instance where the Prefect had the power to deprive the boy of his whole vacation, and where a boy before used to appeal to the President, and before, in fact, the Prefect would not have had the right to say anything about the boys' vacation, for such matters were always determined by the President himself. But during Major Smith's administration, the chief Prefect had been in the habit of sending for the marks by which he would determine whether a boy should have his vacation or not.

Mr. Stokley. What is the age of the Prefect?

A. Between 20 and 30 years of age.

Q. Did you ever know of a case where the President had delegated the power to one of the Prefects, and he abused it, and he delegated the same kind of powers to him again?

A. Well, I never knew him to take away the powers that he delegated. I should think the Prefects had nearly all the power as to the governing of the College.

Mr. Littleton. Is it your opinion that the President has failed to give the necessary personal attention to the discipline of the College?

A. I do.

Mr. Stokley. Was not the principal Prefect of the College only of age a few months ago.

A. I do not know. I merely supposed that they were between the ages of 20 and 30. I am a very poor judge of age.

Q. Mr. Tyson. Who is the principal one?

A. Mr. McFarlane. I do not know whether he goes by the title of Chief Prefect, or not. I think that office is abolished. I think that he exercises the chief oversight?

Q. What age do you think he is?

A. Somewhere between 20 and 30.

Mr. Littleton. How long has he been there?

A. He has been there three or four years.

Q. Mr. Tyson. Has he been there longer than four years?

A. I think that he has. I think he is a man between 28 and 29 years of age; I cannot say exactly. I am a very poor judge of age when I have no data upon which to base my judgment.

Mr. Harper. In relation to the department of "Industrial Science," was not that ordered by the Directors?

A. Certainly. It was understood to be Major Smith's plan; and he (Major Smith) has spoken of it as that which

he considered the chief improvement of the College ; so that I inferred that it was proposed by Major Smith and adopted by the Board.

Mr. Littleton. Do you know whether Mr. Vaux had anything to do with it ?

A. I do not know.

Q. Is it abandoned now ?

A. I should say that it is practically abandoned, although I do not know whether the Directors have taken any action.

Q. Do you know of any improvements in discipline, or in the Department of Instruction of the College, introduced by Major Smith since he has been there ?

A. I know he has made changes which he intended as improvements, and I do know from the fact that, previous to the time Major Smith came there, we were regularly graduating pupils every six months, and pupils who had a tolerably good education ; and that since he (Major Smith) has been there, we have not graduated more than one or two. We are preparing to graduate two classes now.

Mr. Cattell. How have boys left in the meantime ?

A. They have left irregularly.

Mr. Harper. Has any one asked you what questions to put to you upon this examination ?

A. Since this matter has come up, I have conversed with every person with whom I would naturally come in contact, and with whom I thought I had a right to converse freely. I ask if I am obliged to answer any question that may violate any confidence ?

Q. I repeat, has any one asked you what questions to put to you upon this occasion ?

A. I can say, in answer to that, that the principal person with whom I have talked upon that subject has been Professor Becker.

Mr. Littleton. You mean upon the subject of what questions would be asked you ?

A. Yes, sir ; and the whole matter from beginning to end.

Mr. Harper. That is hardly answering my question. I wish to know whether you have ever been asked by any persons what questions might be put to you upon this occasion ?

A. No.

Mr. Cattell. What became of the boys that were graduated every six months?

A. Places were found for them.

Q. Until places were found for them?

A. Until that time they would be employed about the institution. Notice is given to their friends a month before their graduation that they would be ready for places. So that parents could get good places for them, and many would be ready to take places immediately; those that could not get them immediately were employed about the College.

Q. How is it now, in the case of the boys who are graduated from time to time in no regular classes?

A. It has been, whenever the places would offer, in that way the best pupils were often taken from the classes against the remonstrance of the teacher, by which means the classes were stripped of the material that would make them appear to the best advantage.

Mr. Littleton. That is, you mean they were taken out piecemeal? It was not a uniform graduation?

A. The last few years the attention has been given to form a class that should be carried further in their studies, and kept in until they were eighteen years old, and that is the cause of it.

Mr. Stokley. Did President Smith counsel obedience to the rules in accordance with the requirements of the Board of Directors?

A. According to my recollection, not until after the Board of Directors had called his attention to them.

Q. He did after that?

A. Oh! yes, sir; after that time they were strictly enforced.

Q. Did Major Smith visit the schools as directed by the Board of Directors under the new rules?

A. One of the new rules requires him to examine the graduating class once a month; I think that he has been in my room to examine that class about once in two months.

Mr. Littleton. In reference to the question just asked you about the President counseling obedience to the rules. Did not his objection relate to the one rule in reference to corporal punishment?

A. I think there were parts of the rules that were considered unnecessary and objectionable.

Q. On his part?

A. Yes, sir. Not the rules generally; for instance, President Smith thought it unnecessary that the teachers should be required to attend chapel in the evening, as they were required in the new rules. The new rules required them to attend both in the morning and in the evening, and the household only in the evening. President Smith had an objection to that rule and was in favor of the teachers being released from one service, as they would be worn out with the labors of the day.

Mr. Cattell. In relation to these rules and the time that President Smith objected to them. When were they first objected to by the President? Were not copies distributed through the College to every Professor?

A. Yes, sir; they were fully and officially distributed.

Q. Before that time were there any presented?

A. Not to my knowledge.

Q. And the objections were made after they were printed and officially distributed?

A. Yes, sir.

Q. In relation to the flag, Mr. Holden. Did not the President at one time put a flag upon the top of the College, and have it illuminated by a Drummond light at night?

A. Yes, sir; I recollect Dr. Van Der Weyde having it there.

Q. What time was that?

A. It must have been on some holiday.

Q. That was gotten up by Dr. Van Der Weyde?

A. Yes, sir; although I have no doubt Major Smith deserves credit for it, if there is any credit in it.

Mr. Harper. Did you ever hear Major Smith use the word pauper, or designate the pupils as paupers, or as having no rights, or words to that effect?

A. I said I had heard him use language to that effect.

Mr. Harper. Have you ever heard him use the word "Pauper?"

A. I do not recollect that particular word; I know my impression was, that that was his opinion about them.

Q. Did you ever hear him use any opprobrious language towards the pupils?

A. No, sir; not that I know of.

Wm. F. Smith, Chairman. What relations did you sustain towards the President ; friendly or otherwise ?

A. My relations with the President have been of the most friendly character all the time. There has been but one interruption that I know of, and that was in the fall of 1866, at the time I was an applicant for the house I am now in. Major Smith came to me, and told me that the Committee told him, that if I was willing to give Professor Cox a room in the house, that then I might have the house. I supposed that that was the Committee on Instruction. I went to Mr. Heaton and talked to him about it, and Mr. Heaton at first sympathized with me in the matter, and afterwards told me that he sympathized with the President, and I then went to four members of that Committee, Mr. Jones, Mr. Remsen, Mr. Roberts and Mr. Fry, and neither of them knew anything about any such proposition ; and it occurred to me afterwards, that it might have been the Committee on Household, and I asked the Chairman of the Committee on Household whether there was any such proposition before them, and they said there was not, and I thought I saw that that did in a measure interrupt my pleasant feelings. He made these representations with the view of influencing my action, and if I had acted upon it, it would have made me very uncomfortable.

Mr. Stokley. How will the discipline and morals of the College, under Major Smith, compare with the same under Mr. Allen ?

A. I do not think the discipline is so good. During the first part of his administration a large number of boys were expelled, and thus the most troublesome spirits have been got rid of.

Q. Were there any trouble with these boys under Mr. Allen ?

A. Yes, sir.

Q. Did the same amount of trouble take place under Mr. Allen as under Major Smith ?

A. I do not think so. I attribute it to Mr. Allen's unusual ability in that direction ; and, as I said in my testimony, I consider it a very difficult position to fill, and that a man who is able to fill it is a very rare man.

Q. Was there as many running away under Mr. Allen as there has been since Major Smith has had the management ?

A. I do not know what the records will show upon the subject. If I were to answer from my impression, I would

say there had been more under Major Smith's administration; but the records may show that I am mistaken.

Mr. Tyson. You do not know of your own personal knowledge?

A. No, sir; I have not referred to the records.

Mr. Stokley. Do the boys feel that they have as comfortable a home under Major Smith as under Mr. Allen? Do you think they are as comfortable and happy?

A. I do not think they are as happy under Mr. Smith as under Mr. Allen; I do not think he (Major Smith) knows how to manage them.

Q. Do you think there has been any difference in the treatment of the mothers since Major Smith has had the conducting of the College different from what it was under Mr. Allen?

A. My own observation would not enable me to answer that question.

Professor Becker recalled.

Mr. Littleton. How often did Major Smith go through the schools and College building, as a general thing?

A. I can answer that question more as to my own department than as to the whole school; I have said that he would pass through my room four or five times a week; it was irregular; his visits would be in the morning, and then sometimes he would come in the afternoon—not of the same day, however.

Q. Did you ever tell a Director that if Major Smith had ever been half as attentive to his duties in the schools before his dismissal as he was afterwards, it would have been better for his reputation?

A. I never made use of any such language, and I think I have never spoken to any Director upon the subject.

Q. Have you not reported to the Directors that Professor Corson released a boy from protracted confinement, who was so dirty that he feared for his health if he continued there any longer?

A. I have no recollection of ever having conversed with any Director.

Q. Do you know anything of his case?

A. I only know what Professor Corson has stated to me;

I never conversed with any person outside of the College walls upon the subject.

Q. What do you know in relation to this boy, who was taken from the lock-up?

A. Professor Corson told me this, it happened during one of the vacations; the month I do not know, whether it was July or August, that he was on duty; I was not on duty with him that month. I think President Smith was absent at the time, and, as he officiated for him during his absence, he had his attention called to this boy by the Matron, Mrs. Robinson, and at her request he went up to the room where he was confined, and he stated he found there a little fellow, almost in the last stage of consumption, very weakly, and in a very filthy state. The room was very offensive, so that he could scarcely remain there any length of time. There was something the matter with the window. I do not know whether it could be opened or not, or whether he said it was fastened or not. He said his own filth was in one corner of the room; and he had him taken out immediately, given in charge of the Governess to have him washed and dressed, and sent down to the woods to get the fresh air, to walk about and expel the foul atmosphere which he had inhaled in that place. He said he really had great pity on the little fellow, and he stated that he had reported it. I think he rather asked my opinion, what he should do. I told him that he should report it to the President. I asked him if the President was aware that he was there. He said he was; that he was put in there by the President. He afterwards reported it to him, and he stated that the President remarked to him "that he deserved a whipping for having used the room to relieve himself."

Mr. Harper. I thought you said the President was out of the City?

A. This was after his return. That is all I know of the case, and that is merely from report. I know nothing personally. As I stated the other day, I never visited any of the lock-ups except upon one occasion. I visited them to see two boys who were in the lock-up. I could not get in. I had heard that some of the boys that were in there had no clothes on except their shirts and drawers. I inquired of them whether they were dressed, and they would not answer me. The boys would give no satisfaction. I could not get in the room. I was called there by the remarks of Mrs.

Lewis, who complained very much on account of the serious interruption of having the boys travel up and down with the food, morning, noon and evening, and to get water twice a day, and then to have their buckets brought down and passing through the entry. This was very offensive. She wanted to see if she could not get the lock-ups removed somewhere else. I spoke to the President upon the subject, and his remark was: "That Mrs. Lewis busies herself, or interferes with matters that do not concern her"—or something to that effect. I do not know whether they were removed or not. I never was up there afterwards.

Mr. Littleton. What do you know of the reorganization of the school at the time the Industrial Sciences were introduced?

A. Well, at that time a new department was introduced, that is, the Department of Moral Science and Rhetoric, and History, which were under the charge of Professor Stevens, who had been removed from the Department of Chemistry and Natural Philosophy. This, of course, caused a change; a great change in the school. There was an increase of one teacher, which required an increased number of classes, so that these teachers could be provided, and with a class for each hour, and up to this time, the school had been equally divided during the previous administration temporarily by Mr. Arcy, who was acting President. We had six hundred boys in the school, and he, in order to economize, whether it was his own scheme or that of the Directors, had divided them into fifteen classes, with forty boys in each class; and they were very unequal in their attainments, and of course their instruction was equally so. This was rather a detriment to the welfare of the school, but of course the teachers had no control of that matter. It was suggested, when Major Smith was President of the institution, and matters had continued as it was up to that time, the change was made then. Of course there were some changes made. The President divided the school into three forms. The first form was the lowest, and the third form was the highest. Each two lower forms had each five classes, of forty-two boys in each, and the upper, or third form, contained six classes of thirty boys in each, making six hundred. The upper classes, in the third form—that is class six and five were given exclusively in charge and under the instruction of the Professor of Industrial Science, Moral

Science, Rhetoric, History and French. They monopolized these upper classes. They contained the best boys, and even these, I must say, were not so well instructed. They were very unequal in their attainments, as a class, generally. That is in consequence of the mixing up of the classes—shoving them up like a pack of cards. They were measured by their height and by their weight. To be fit to be in that class, some of these boys had been advanced two years before they were prepared to go into the class, and, of course, could not enjoy the instruction in that department. Although when the President had prepared a programme in which the upper classes were assigned to these three Professors; three four, three three and three two, Professors. Latin to Mr. Holden and Mrs. Lynch, and three four and three two to myself. I do not think it is necessary to state any further.

Q. Has the organization been continued—the change of which you spoke?

A. It was changed about a year and a half after the organization.

Q. For what reason?

A. The reason was this; that the Department of Mechanical Science really had proved an injury to the school; had demoralized the school. In other words, the classes had lost their taste for study, and they had no lessons in particular assigned to them in that department. And as that department monopolized the greater portion of their time, the boys did not know what to do with themselves. They spent their time in reading pamphlets or newspapers, and dime novels, and so forth. I saw they had these, and I spoke to the boys, and also mentioned the subject to Professor Van Der Weyde, and finding that he did not correct the evil, I mentioned it to the President. I drew his attention to it. He said that he had seen these things himself. That he had spoken to the boys and had taken away these books and papers, that he had seen they were objectionable, and had also spoken to Dr. Van Der Weyde. It seemed that he had either lost control, or took no notice of it. And he (President Smith) requested me, if I saw anything wrong of that kind, to correct it and to speak to Professor Van Der Weyde upon the subject, which I did.

Q. Was it not in his power to prevent that?

A. It was ; but he did not seem to know how to govern. He did not seem to be a disciplinarian.

Q. Was it not in the power of the President to correct these evils ?

A. I do not see how he could, unless he was there and acted as the governing power.

Q. Is he not the governing power ?

A. Yes, sir, he is ; and he stated his objections, and requested the Professor to punish the boys,

Q. If they had no lessons to study, and nothing to do, whose fault was that ?

A. I suppose it was the fault of the Department, or that he was under the impression that there were no lessons to be given. I mentioned that to him also.

Q. Did you state that to the President also ?

A. I think I did. I had frequent conversations with him upon the subject.

Q. Was there anything done ?

A. I think the President spoke to him repeatedly.

Q. Did he ever show the letters he wrote to Dr. Van Der Weyde ?

A. No, sir.

Q. Was not that a thing within the power of the President to control, as the head of the Institution ?

A. I think it was. I have no doubt it was. That department, under the best management, would be an injury to the College, or any institution of that kind. Our best scholars are not advanced enough ; they have not acquired sufficient of their elementary studies to devote so much time to it, and, after all, it does not amount to anything.

Q. Has it not been practically abolished ?

A. I see but very little, if anything, of it, except at recess, boys sharpening their skates, some few boys picking up types and printing their names, or something of that kind. Whether that comes under that head or not I do not know.

Wm. F. Smith, Chairman. If this was so detrimental, why was it not reported to the Board, so as to have it abandoned ?

A. I was under the impression it was the request, and it was the opinion that the Board of Directors were anxious that this department should succeed. I have spoken to seve-

ral of the Directors, and to Mr. Vaux, and stated my objections to them about it.

Q. Was it inaugurated under Mr. Vaux?

A. It was.

Q. Do you know whose idea it was?

A. I do not.

Q. Did you ever hear that the President said that the pupils had become demoralized under the department of Industrial Sciences?

A. Yes, sir; I think the President made use of that remark to me upon one occasion. I mentioned to him the bad effects it had upon the boys in our department, and he admitted that the boys had really become demoralized, or that the Doctor (Dr. Van Der Weyde) had demoralized his class, and he said, after the reorganization of the school, that after the vacation he had decided to call a meeting of the teachers. He did so. This was of the teachers of the third form—The highest form. He there requested me to state my facts. I did so. I had previously stated them to him, and they were endorsed by all the teachers.

Q. Mr. Stokley. Do they not propose to inaugurate a system somewhat similar to that now?

A. Oh, no. This system (Industrial Science) was inaugurated six months after Professor Smith came there. My objections were not altogether against the system, but against introducing it at that improper period when the boys should devote their whole attention to their studies, to their books. It destroyed the taste for study; but after a boy has graduated, if he should be there six months or a year, I think that his time might be employed in the department of the Gardener or Carpenter.

Mr. Littleton. Did you ever hear the President designate the pupils as paupers, or having no rights, or anything to that effect?

A. No, sir.

Q. Relate the conversation which you heard in the President's office between the President and a pupil in regard to the place which the latter ought to call home.

A. I do not know that I heard any conversation in his office. I know the President was very anxious that the boys should consider the Girard College as their only home, and not where their friends and mothers resided. I think, per-

haps, upon one or two occasions, whether it was in my room, or on the portico, or in his office, I cannot name the place now, I recollect a case where a boy came up and asked him—it must have been on Saturday—he asked to have a pass to go home, and he (Major Smith) asked, “Where is your home?” And the boy gave the residence of his mother; and the President asked whether he got his clothing and food there? The boy said “No.” I think he asked him, “What that place was called?” The boy hesitated; I do not know what his answer was. The President was satisfied, and told me to give him his pass; but “he wanted him to recollect where his home was.” I stepped one side during this conversation, thinking it was a private question.

Mr. Harper. Was it done in a kind manner?

A. Yes, sir; that was done in a kind manner. He spoke very friendly and very kindly to the boy.

Mr. Littleton. Did Major Smith co-operate with Mr. Lex in having concerts for the boys?

A. I think so.

Mr. Harper. Were there exercises in the chapel on the 4th of July when President Smith was there?

A. There were; such as reading the Declaration of Independence, and some pieces which the boys had been directed by the teachers to recite.

Q. Was there music?

A. There was singing.

Q. Were there patriotic songs sung?

A. Yes, sir; I think there were. I am not much of a musician.

Q. The “Star Spangled Banner,” “My Country, ’tis of Thee,” sung?

A. Yes, sir; songs of that kind.

Mrs. Elizabeth Lewis, sworn.

Mr. Harper. I wish to ask Mrs. Lewis if she will be kind enough to state to the Committee the facts, so far as her knowledge goes, of the sickness and death of this boy F——y F——r, and Major Smith’s connection with it?

Mrs. Lewis. Do you wish all his sickness?

Mr. Harper. State when he was taken sick, how long he had been sick, the nature of his sickness, the effect it had

upon him, and the result of Major Smith's connection with him.

Mrs. Lewis. His first sickness was in 1865. I recollect that I had another boy who was very ill. I think for five nights I had not slept for him, on account of his sickness. Major Smith came up in the morning, and I told him what very bad nights I had with little T——y B——d. F——y F——r was dressed at the time, sitting upon a stool; he had got kind of convalescent. Major Smith said, "I think I will send for T——y's mother." I said, "I wish you would, Major, for I have not had any rest for several nights." I had not slept for him, on account of his sickness. This was little T——y B——d who had been sick. Franky had had a little spell before that, but was dressed and sitting upon a stool; and the Major turned around and said, "I think I will send for Franky's mother, too; he has been such a good boy." She was sent for just for a visit. I think she stayed until the evening; then, when she left, she had permission from the Major to bring her mother to see him.

Wm. F. Smith, Chairman. That was the grandmother of the boy?

A. Yes, sir. I do not know whether she came the next day or the day after; but they saw him in the parlor—the mother and grandmother. She came every day, I believe, or every other day after that, I think; and he got worse; he seemed to be getting worse all the time. I think I said to the Doctor, or else the Doctor said to me, that it would be better for her to come altogether, for we thought it excited the child, and he got worse; so she was requested to come and stay with him. She came, and he was very ill; we expected his death several times. Mr. Lex will recollect one day we went to look at him; as he was turning away he said, "I would like you to pray for me," and he (Mr. Lex) returned and prayed for him; and we thought he was dying then. He was sick about three months. I recollect very well that he was very low.

I think it was three months that his mother remained with us, and he was convalescent after she left; but he had been given up repeatedly by the Doctor; he had had spasms. I went in the room once to stay (we thought he was going to die) until he died; but he did not die. His mother stayed

outside in another room. I remained with him to see him die; he recovered. I cannot recollect much more.

Mr. Littleton. How about taking him out of the infirmary? State what happened on the day of his death?

A. That was on the following spring. He had an eruption for one thing, for which he was in the infirmary. I believe he got well of that, and returned to his section. The last time he was with us nineteen days; sometimes he was up and sometimes he was in bed. On Sunday morning—the day he died—I was in my room—an ante-room to the ward he was in. I heard the President's voice; the President sat on the bed, with Franky standing between his knees. He was patting him under the chin; the child seemed to be laughing. I bid the President good morning, and passed through into another room, and stayed a few moments. On my return, the Major said, "Franky is going with me to chapel." Says I, "I will brush his hair if he is going." So I took him to the bath-room, and done so, and gave him some cakes and an orange which his mother had brought to him on the Saturday before, and I put them in his pockets. The Major and the boy left the house together. When the chapel service was nearly over, I heard Doctor Hollingsworth's voice; they were bringing in a boy. I told him to bring him up stairs—they were doing some painting in the sick rooms below. "Bring him up stairs," I said. "He cannot be brought up stairs," said the Doctor. I went down; Mr. Cope laid him upon a bed; I rubbed him, and told the Doctor to rub him, for I was sure he would get well; he had had several spasms of that kind before. I never dreamt that he would die in that one; however, in a very short time he was dead.

Mr. Harper. Was this a pleasant day that he was taken to the chapel?

A. Yes, sir; it was a nice, fine day, as well as I can recollect.

Mr. Tyson. He requested to go there himself?

A. I do not know; I did not hear the conversation. They were talking together when I went into the room afterwards. I was not in the room when the President first entered; but after I heard his voice I went into the room.

Mr. Harper. By whose request did his mother come to stay with him in the infirmary?

A. It must have been by the President's request.

Q. What was the President's conduct in relation to Franky F——r, while he was sick. His general treatment of him, and his treatment of the sick generally?

A. He was always very kind to him, and to the sick generally; very kind indeed.

Mr. Tyson. He was dressed upon that morning that he went to the chapel?

A. Oh, yes, sir; he was standing talking to the Major. He frequently had sick spells before.

Mr. Harper. How often was it customary for the President to visit the infirmary?

A. He visited it regularly every day; and sometimes he stepped in several times through the day, as he was passing. In case there was a good deal of sickness, he was there pretty much of his time.

Q. You thought his conduct particularly kind to the sick?

A. Yes, sir, particularly so; I was always prompt, if I got worried about a child, to send for him immediately, and he would come down at once, and send for the Doctor. He would not give me the privilege of sending for the Doctor without his consent.

Mr. Tyson. Do you know anything of the Major's compelling him to go to the chapel?

A. No, sir; I did not hear the conversation; I did not know the Major was there till I heard his voice; he could not have been there long.

Q. He did not drag the boy out of bed?

A. No, sir; he was sitting upon the bed when I went in the room; the boy was already dressed.

Mr. Littleton. Did you object to his taking him?

A. No, sir.

Q. Did you not think it was improper to take him?

A. No, sir; the Major before took him out when he was convalescent.

Q. Did you think he required any extra clothing to go to the chapel?

A. No, sir. I merely took him into the room to give him his cakes; he had his little jacket on him; he went as he was. I think the day must have been fine, or I should have put some extra clothing upon him.

Mr. Littleton. Did Dr. Hollingsworth ever say to you that

he hoped the death of the boy F——r would teach the President not to interfere with the pupils in the infirmary?

A. I do not recollect that he did.

Q. You have no recollection at all of any such conversation?

A. No, sir.

Q. Did you ever know boys to be locked up in any part of the infirmary?

A. Yes, sir.

Q. What part?

A. They were in the upper part; that was the place prepared for them; but frequently we had them in the lower room.

Q. When was the infirmary, or any part of it, first used as a lock-up. How far back?

A. Indeed I cannot recollect how far back.

Q. How long have you been in the College?

A. Going on twelve years.

Q. Was it ever used, before Major Smith came, as a lock-up?

A. Well, really, I cannot recollect whether it was or not; it seems as though there was a boy up there once; it was not divided, and fixed on purpose for them, as it is now.

Q. When was it fixed on purpose for them?

A. I really cannot recollect how long ago. Since President Smith has been there it was divided off.

Q. Are any boys confined in the second story?

A. Yes, sir.

Q. Who attended to their necessary wants during their confinement, and how often were they visited?

A. Each boy was under the care of the person he belonged to. I do not know how often they visited them.

Q. Do you mean to say by that, if half a dozen boys were there that each particular Governess would come and attend to her particular boy?

A. Yes, sir, that has been the rule.

Q. Did you ever appeal in their behalf to any of the officers of the College, and state it as being improper to have the infirmary building used for such purposes?

A. Well, I frequently said that it was improper that we should have the trouble of them in the infirmary.

Q. To whom have you so stated?

A. I think I once went over to Mr. Becker, when he was sitting upon a chair, upon the play-ground; I asked him about it. I think Mr. Smith was away; I said, I do wish Mr. Becker, that you could find some other place for those boys. I think I recollect saying that to him.

Q. Did you ever complain to the President about the infirmary being used as a lock-up?

A. Yes, sir, I think I have, when they were troublesome; and I have no doubt the Doctor has too.

Q. Did it not interfere with the inmates of the infirmary?

A. Yes, sir; it was troublesome to have them, and all those who were waiting upon them, running through the house then. When I understood there was no other place for them I sit myself down contented, and thought it was always going to be so; and thought no more about it.

Q. How long were the boys confined there at any one time?

A. Indeed, I could not tell you.

Q. One week?

A. More than one week.

Q. Four weeks?

A. I know there were several boys who were there a good deal; they were brought down every day, and their wants attended to.

Q. How long were they there? a month?

A. I think they were.

Q. Were they there more than a month?

A. I cannot recollect.

Q. Do you know what boys were confined there?

A. No, sir.

Q. You do not know the names of the boys?

A. No, sir.

Q. Have you ever known any boys having been brought to the infirmary on whose bodies marks of corporal punishment were visible?

A. No, sir; I never saw any.

Q. You never saw any boys with any marks of whipping?

A. They did say little S——y S——n had marks of whipping upon him; he was not brought to the infirmary right away.

Q. Did you ever look?

A. No, sir; his mother was there, and she attended to him all the time. I never saw the marks, I heard of them.

Q. Did she ever say anything about it to you?

A. She was talking about it all the time; she was saying he had been whipped, and so on, but then he did not come to the infirmary after he was whipped; he came down one day to get some quinine, and it made him sick; he remained there; I said he had better stay there if he was sick.

Q. Were you ever in any of these lock-ups?

A. Oh, yes; many a time.

Q. Were you there in winter time?

A. I don't recollect.

Q. Were they heated in winter time?

A. There is no way to heat them. They had my bed-clothes as long as they lasted; they tore the bed-clothes up; after that they brought their clothes and beds with them from the other house, so then I had nothing to do with them.

Q. How could they keep warm?

A. They had their clothes and blankets.

Q. Would they have to stay in bed to keep warm?

A. They did not have to when they had their clothes on.

Q. In the coldest day in winter, could a boy be comfortable in the lock-up?

A. I do not think they could; I do not know whether they were there at that time.

Mr. Harper. Did you say the boys tore the bed-clothes up?

A. Yes, sir; they tore up nearly all the bed-clothes I had, and when mine were done, and I had nothing to spare, they brought their own bed-clothes from the other house. When a person brought them in the lock-up, they brought their bed-clothes with them; when I had them I supplied them.

Mr. Littleton. Was there any convenience in the room at all?

A. They had a bucket, which a girl took up to them.

Q. Any covering to the bucket?

A. Oh, yes, sir. My girl used to go up with them; she emptied the bucket until lately. They made an arrangement that each one should come and attend to their own boy, and there the matter ended with me.

Q. Were there any disinfectants in the room?

A. Yes, sir; I placed some where they could use them, if they chose.

Q. Were you directed to do it?

A. One of these ladies directed my attention to it; she asked me for some, I gave it to her and she put it in the bucket.

Q. Did you publish an article in the paper in relation to this boy F——r?

A. Yes, sir; there was an article in the paper; I understood they said he was dragged out of his bed, and Major Smith asked me if I would be kind enough to state the facts of the case, and rectify that statement.

Q. Did you prepare that article yourself?

A. Yes, sir, I did.

Q. Did you write it yourself?

A. No, sir; my daughter stood beside the bed and wrote it as I dictated it; every word was my own, and exactly what occurred.

Q. Did you put the article in the paper yourself?

A. No, sir; I handed it to Major Smith; he requested it. I think some person had put something in the paper who knew nothing about it, and he said it would be a discredit to the College; he wanted the thing stopped.

Q. Did you not make statements contrary to this statement, before?

A. I never said anything to the contrary; it was too plain.

Q. Then, that statement published in the paper, which you signed, was a statement of the facts as they actually occurred?

A. Yes, sir; it was a correct statement; I recollected from my memory, at the moment it was put down, and handed it to the Major, and he took it away. I had no idea that there was going to be any controversy in the papers. I thought it was something which some one had taken up, and the sooner it was put down the better. The President told me it was required, on account of the statement Dr. Hollingsworth put in the paper, and they required my testimony as well to confirm it.

Wm. F. Smith, Chairman. What are your duties, situation, and position in the College Infirmary?

A. I have particular charge of the infirmary. I take charge of the boys when they come in sick.

Q. When a boy is sent to you through the instruction of the Physician, he comes under your charge, does he?

A. He is passed to me, the boy's name is upon the pass and also the name of any one who has charge of the boy. If he has headache I give him a purge, if he has a sore finger I dress it and return him ; if he is sick I put him to bed, and record his name on the book, with his section, and whether he is about the house, and how many days he is with us. Perhaps he comes one day and is dismissed the next, then we call it two days, being part of one and part of another.

Q. Do you wait for the Doctor, or do you dismiss a patient without the Doctor's consent ?

A. Well, sir, the Doctor comes there once a day. If a child is very sick, he is put to bed and waits for the Doctor to see him ; and frequently I will give him something myself, as if he has a slight indigestion, I will give him a dose of magnesia ; if it is a slight headache, perhaps a little sleep will do him good.

Q. How many assistants have you ?

A. One girl that does the general work, and my daughter, who assists me.

Q. When you are absent she attends to the children ?

A. She takes my place when I am absent, and assists me in the medicine closet. I have the medicine to prepare ; and I do the cupping of the house when there is any cupping to be done.

Q. When you are in the rooms where the sick are, you are in your own rooms ?

A. I only have one room ; the place where I live mostly is the medicine closet, because I have to supply all the families in the College with medicine.

Q. How often do you go into the sick room ?

A. During the morning I am constantly around when I am not employed in my medicine closet, which is the most part of my work. I am with the sick, and when the Doctor comes, if there are any sick, he goes around and prescribes for them ; and I prepare and give the medicine.

Q. When you went into the room, was this boy, Franky F——r, lying in bed ; on this Sunday morning the day he died ?

A. No, sir ; I told you Major Smith was sitting upon the bed, and Franky was by his knees.

Q. You saw him before Major Smith went into the room ?

A. Oh ! Yes, sir.

Q. Now, I understood you that Major Smith was not in the room when you left?

A. No, sir. He was not.

Q. How long were you out?

A. Perhaps quarter of an hour.

Q. You found Major Smith there when you returned; where was the boy when you went out of the room? in bed? or was he in the room sitting on a chair, or walking about?

A. Walking about or sitting down, very likely; if we were down stairs he might have been in the convalescent room.

Q. You were up in the second story?

A. Yes, sir; in the room that he slept in.

Q. You said, that the mother of this boy was requested to come there by Major Smith; how do you know that?

A. I do not know any more than the Major said that he would send for Franky's mother. I do not know anything about the sending on the day that he died, it was the previous spring that I refer to; on the Wednesday it was his day home, and he did not go; and I said to him; (as I always ask my boys the night before, whether it is their day out,) is not this your day out; he was sick then with the spotted fever.

Q. The time to which you refer, when she was sent for, was when he had the spotted fever, was it not?

A. Yes, sir.

Q. And she went out then?

A. Yes, sir; she came out and stayed until he was convalescent.

Q. The first day that she came there, did she stay in?

A. No, sir; the boy was not very sick; he was dressed when she came. I do not think that she put him to bed; she might have stayed until he went to bed.

Q. Did she not propose to remain there and take care of him?

A. I think that she knew that she had to go. I do not think that she ever expected to stay, and it was only after we found that by visiting him she excited him she stayed after that.

Q. How soon after her first visit did she come back?

A. I do not know that, she came the first day, and I hardly think that she staid until the day after.

Q. Was he down stairs or up stairs?

A. The first time, up stairs; the second time I saw him down in the parlor, and her mother was with her, the child's grandmother.

Q. The next time was on a Sunday?

A. Well, I do not know what day it was, indeed. I do not know what day it was that she was first sent for. I cannot recollect.

Q. From that time on she stayed in the place, did she not?

A. Yes, sir.

Q. How long did she stay?

A. She told me she was there three months, or I would not have known the time. She was there till Dr. Hollingsworth told her there was no necessity of her remaining there any longer. She was thinking of going. She spoke about it the day before.

Q. When he was so very sick this last time, was she sent for?

A. No, sir; it was a different kind of sickness. It was a nervous disease that came on at times; at other times he was very lively and pleasant; and he was dressed on the Wednesday previous, expecting that she would come out and see him. He was so disappointed that he went to bed sick. The other childrens mothers came out. On Thursday and Friday he was in bed. He was in bed, and then he was up and about on Sunday morning. He would get up when he felt like it, and he would lay in bed when he felt like it.

Mr. Harper. Did the mother of this boy ever find any fault with Major Smith as to the treatment of him?

A. No; I do not know that she ever did.

Q. Did she ever think that he treated him unkindly?

A. No, sir.

Mr. Littleton. Did she think so after his death?

A. I think that she did feel a little strange about his dying so suddenly.

Mr. Harper. Did she find fault with the President?

A. I do not think that she found fault with anybody; and we reconciled her to it, so that she knew he never would live to be a man. She said, "I never would have minded it so much if he had died the previous spring," when we were looking for his death; but after getting over such a sickness, and then to die when you were not expecting it, it was very hard for her to bear."

Q. Did you ever hear Mrs. F——r say anything about Major Smith treating her harshly, or not allowing her to remain there?

A. You could not keep them always. She stayed three months, and that was a pretty long time, and the boy was convalescent; but they do not like to leave the children. If she had stayed six months she would have had the same feeling on leaving her child. I do not know how long we had little H——y's mother. I think she was there five months. She was obliged to leave him when he was helpless, on account of her family; but she could have remained.

Q. When the Doctor dismissed Mrs. F——r, do you know that he informed her if he got any worse, or anything occurred, that she would be notified?

A. No; I do not know anything he said to her, at all.

Q. Do you know of her going afterwards?

A. Yes, sir; she came one day: some time afterward. I asked her if she had a pass to see the boy; she required a pass. She said Mrs. R——n told her to go down and she would find F——y around there. She stood upon the steps. I told her that she had better go, (I think F——y was dismissed from the infirmary then,) for F——y ought to be with his section, and if she stayed too long she would not get a pass to come in again. So she went away, and afterwards she told me she met the President upon the grounds, and he told her the child was now well enough, and he thought it was not necessary for her to visit him regularly.

Q. She told you that?

A. Yes, sir.

Q. Did she say at the time who gave her permission to come into the grounds?

A. I cannot recollect. She told me that she had seen Mrs. Robinson, and she told her to go and hunt him up.

Q. I ask you, whether after that time she gave you that information, whether at that conversation she ever said to you that the President had said, "Who gave you permission to come into the grounds?" and she said "Mrs. Robinson;" and did she say that the President forbid her to come into the College with her (Mrs. Robinson's) permission?

A. I do not recollect. At this time the boy was not with me; he was with his class. I asked, how did you get in? She told me she had seen Mrs. Robinson. She had asked her about her boy,

and Mrs. Robinson said she would find him somewhere around. I told her Franky ought to be with his section ; perhaps you will not get in again. So she went away, and afterwards she told me that she had met the President, and he told her Franky was well enough ; that she could discontinue her visits. Before that time, she had come in without any permission at all, and he stopped her coming as a regular visitor without permission. She came out there on Wednesday, after the boy died ?

A. I did not see the mother until after the boy was dead and buried.

Q. She was there on the Sunday that he died ?

A. Yes, sir ; she came, and left soon after.

Q. At that time what information did you give her. What did you say to her in regard to the condition of her boy in the morning. Did you say to her that her boy was sick in bed that morning ?

A. I did not ; I did not speak to her at all.

Q. The next time, the first conversation you had with her after the boy died ? What did you say to her ?

A. It was some time after she was there. After his death the two sisters came out ; and then, some time afterwards, the mother came ; as soon as she felt as though she was able to visit the College ; after the death of her child. I don't know that I stated anything to her. I dislike to speak of it.

Q. Did you say that morning he was sick in bed, and the President came in and wanted the boy to go to the chapel, and the nurse washed him and combed his hair ?

A. No, sir ; I washed and dressed him myself ; I washed him and combed his hair. I took him into the bath-room, more as a pretence, to give him the orange and cakes ; he was already dressed.

Q. Did you say to Mrs. F——r that he never ought to be taken out of the infirmary ?

A. No, sir ; I did not.

Q. That he was not fit to go to the chapel, or that President Smith ought not to have power to take the boys out of the infirmary ?

A. No, sir, I do not think that I said any such thing ; but I told her she might have seen her boy on the Wednesday previous, and that he worried about her. I was very

careful about her feelings. I could not have made it any worse than it really was.

Q. Do you know the boy by the name of G——e B——d, that was in the College?

A. Yes, I recollect him.

Q. How old a boy was he?

A. He was a little fellow, something like little T——y B——d, I think.

Q. Was he in the lock-up over the infirmary?

A. I believe he was. He was not under my care; he was under Mrs. Hare's care.

Q. He was about eleven years old?

A. I should not think he was that old.

Q. Do you recollect how long he was kept in there, and what his sickness was?

A. I do not think he was there very long. He was in one of the lower rooms, so that he could have the convenience of the bath.

Q. Do you know what he was put in there for?

A. No, sir.

Q. What was he fed upon during that time. Do you know that?

A. I do not know what she gave him. I suppose it was bread and water.

Q. Do you recollect of his being there eight days?

A. I cannot recollect how long he was there. I think he was there six days. Then he was brought back again.

Mr. Littleton. What month was this?

A. I do not know when it was?

Q. You say it was cold weather?

A. I think it was; and that was the reason he had the lower room.

Q. Was he in the large room on the West side?

A. Yes, sir.

Q. Who was in the back room?

A. I don't know. I had not charge of them?

Mr. Harper. Did you ever hear of his feet being frosted?

A. No, sir; I never did hear of his feet being frosted.

Mr. Smith. Did you recollect anything of their taking away his shoes, while he was up there?

A. I expected they would do that; as a general thing they made such a noise. I do not recollect much about G——e B——y's case.

Q. Do you know whether they had any pillows in the room, or anything like that?

A. The room used was a regular ward; and they use bed and bedding.

Q. Did the heat go into that room?

A. All the heat we had went into that room. He would not be as well in the lower rooms, because the upper rooms are so inclosed in that the cold would not get in not so many windows; and if they were shut, were the warmest rooms in the house.

Q. Mr. Cattell. Do you remember treating any boy with the frosted feet?

A. Yes, sir; I remember a good many of them.

Mr. Smith. Was any information sent to you of this boy B——d?

A. I believe I remember this boy; he came to the infirmary after it was locked up.

Q. Did you not go up stairs and look at his feet?

A. No, sir; I had nothing to do with G——e B——d at all; he was brought out and showed to the Doctor, about some eruption he had. I did not see him. The Doctor said he had no eruption.

Q. Do you recollect taking him down to your room to put caustic upon his feet?

A. No, sir; I do not recollect that. Mrs. Hare will know all about that boy, for she had the care of him.

Q. Did you ever tell Mrs. Hare that that boys feet were frosted up in that room?

A. No, sir; George B——'s feet could not be frosted by being there, because he was in the lower room most all the time. I do not think George B——d was in the upper room at all.

Q. You do not recollect applying caustic to his feet?

A. No, sir, I cannot recollect it; I might have done so.

Q. Was he in the lock-up for about thirty days?

A. No, sir; I think that was a mistake; he might have had a sore on his foot.

Mr. Stokley. Did you not visit Mrs. Frazer after the dismissal of Major Smith?

A. Yes, sir; she visited my house herself; she called to see me, and told me that she had a sister ill with the dysentery. I was out one day; I called to see her, and her sister;

she had the dysentery. I thought perhaps I might prescribe something for her.

Q. Did you not have some conversation with her in reference to what she had stated, in relation to F——'s death?

A. I did not. Her sister was speaking of a little boy who was very lively. She said that he was different from F——e. I suggested that he would have been the most suitable boy to have put in the College.

Q. You did not ask her whether she had not made a mistake in reference to the statement she made?

A. I did not know that she had made any statement at all.

Mr. Harper. Do you know whether the boys frequently get their feet frosted in the College?

A. We have not had much of it there of late years. When I first went to the College we had a good deal of it. I can recollect that every morning there would be thirty or forty, and we painted their feet with Iodine.

Q. Was that during Mr. Allen's time?

A. Yes, sir; when we were in the old infirmary; but it was afterwards they got woolen stockings, and I took up the plan of soaking their feet with warm water and salt; after that we had not so much of it; it gradually died away, and now there is only once in a while a case.

Mr. Harper. Do you know a boy by the name of T——s S——y, who had frosted feet?

A. No, sir, I do not.

Mr. Stokley. You stated that there were several cases of frosted feet—from whom (what Prefect) did they come?

A. They come from whoever had charge at the time.

Q. Did the Doctor treat these cases, or see them?

A. If the feet got so they were broke, then I would show them to the Doctor.

Q. Had you any in that condition?

A. We had several.

Q. Did you ever show any to Dr. Hollingsworth?

A. I suppose I have; many a time these little sores I treat myself, unless it is a prolonged case, and I do not know what to do with it.

Q. Do you know whether any of these came from being confined in the lock-ups of No. two?

A. I do not know much about the lock-ups in No. two. I never saw them. I was only too glad they were there.

Mr. Wm. F. Smith. Your time is fully accupied in your department?

A. I never leave my house unless there is sickness; I must be on duty, for they are continually coming in every hour of the day.

Q. How many boys, on an average, are sick there—for instance, how many to-day are sick?

A. There are not many there to-day. Sometimes we have as many as fifteen, and we have had as high as thirty; sometimes we have a certain disease which is troublesome.

Q. What is the character of the boys that have come under your care?

A. As a general thing, I think the boys are very good; although a little troublesome at times, they have been very willing to do any little work for me.

Q. They are a good kind of boys, generally?

A. I believe they are quiet boys. The boy that has had the consumption has been with us going on two years. I never had such kindness from boys; they are constantly doing something for me; always ready to bring up an armfull of wood.

Mr. Stokley. The mothers too are very respectable?

A. Very nice.

Q. The reason the question was asked is, that they have endeavored to make out that the boys were from the lower classes?

A. I do not think they are; I think they are nice boys, and the mothers are very nice. I was much surprised about the remarks of Mrs. F——r. I thought a great deal of her, and she did of us, and the day she did not come I was as much disappointed as the child was.

Mr. Wm. F. Smith. You spoke something about the boy S——n; do you recollect that boy—was he brought into the infirmary?

A. Well, he was frequently in the infirmary before this last time.

Q. Is the boy dead?

A. Oh! no, sir; he is living. I have not seen him since he left.

Q. Do you recollect of his having been brought there and

put in the infirmary, because he had been whipped excessively?

A. No, sir; the time after the whipping he did not come to the infirmary.

Q. What do you know about the whipping?

A. Only what I heard stated; that he was whipped very badly by one of the Prefects.

Mr. Stokley. Was this the boy whose mother took care of him?

A. Yes, sir.

Mr. Wm. F. Smith. Was he not removed to the infirmary?

A. He came and asked me for some quinine; I gave it to him, and told him he had better remain in the infirmary if he was sick. His mother was in the habit of visiting him. He remained; he got worse, and had a hemorrhage.

Q. Had he disease of the heart, do you know?

A. I do not think he had disease of the heart; he had the rheumatism, and he had it as long as he was in the College.

Q. Do you recollect ever having seen stripes upon his body?

A. No, sir; I heard of that; I did not see them, because his mother took care of him; she said that he had stripes on his back. He was sick some time; he had a great many warm things prepared for him when he went out, and she did not return him.

Q. Do you know the reason she did not bring him back?

A. She thought the College was not suitable for him; she thought perhaps that he would not live if he stayed in the College.

Q. Did she ever say it was because he was badly treated?

A. I have never seen her since he left. I expected that she was going to return the boy, but she did not return him, and I have never seen her since.

Q. You do not know what he was whipped for?

A. No, sir; I heard that he threw a snow-ball at a Prefect. I have heard that since he has gone away.

Mr. Stokley. How came he to be in charge of Mrs. R——n?

A. It is not proper, but it was done; not only done in his case, but in a great many cases; but it is out of order.

Q. Did you ever know of his being taken and kept in a room so that nobody could see him?

A. It was a kind of a report I heard, and I did hear where he was kept; it was in the Prefect's room. They said he was kept there a day or two afterwards, in No. 3. I think it was from there he came to me for quinine, when he was sick. He stayed in the infirmary three or four weeks afterwards. It was a long, long time, for his mother was there, and his sister was there.

Q. Was it a case of excessive whipping?

A. I do not know.

Q. His mother attended to him?

A. Yes, sir.

Q. She attended to him altogether; and she told you that he had stripes on his back?

A. Yes, sir; she said that he was marked. She swears to it.

Mr. Stokley. I think, in your former evidence, that he was striped?

A. She said he was marked. The mother took charge of him; she takes the order from the Doctor, and I go about my business, for I have so much to do; because, if she was not there I should have to have a nurse.

Mr. Cattell. What was the disease of S——l S——n when he came this last time?

A. It was a hemorrhage; but he was subject to rheumatism. He had long spells of sickness with it.

Q. This particular time was hemorrhage?

A. Yes, sir; when he came in he threw up.

Q. Was it hemorrhage of the nose?

A. Yes, sir; and general debility.

Mr. Wm. F. Smith. Then I understand that the general impression was that it was from having been whipped?

A. I believe that was the impression in the College, because I heard it before he came to me; I heard he was whipped, and that he was in No. 3. This was a good while before he came to me.

C. R. MORGAN,
Sworn Reporter.

December 17, 1867.

Mrs. Mary Frazer, affirmed.

Mr. Stokley, Acting Chairman. You will state what you know in relation to the matter in connection with your son, who was at Girard College.

A. He was taken sick the year before he died with the spotted fever. I went out to the College; at least, Mr. Smith sent for me. I had heard through another source (it was Mrs. Bateman who told my sister in church) that Franky was very sick. I was just getting ready to go out to the College when a boy met me, and said Franky was sick. I went out to the College; found him dressed and sitting up; did not think that he ought to be up. He could not hear me when I went into the room, and his eyes looked very bad. I stayed with him all day, until evening, and undressed him and put him in bed. He got very sick towards evening. I thought then I would stay with him, but Major Smith came in and said no; that I should visit him. I came the next day; but the day after I asked permission to bring my mother. He gave me permission to do so. We both came the day after, and found Franky rather better; I stayed until evening and then went home. And then the next Sunday I went out and found Franky, and found that he fretted after me. Mr. Smith said that the Doctor said I should stay with him. He got apparently well; at least, I left him in the infirmary. He was not dismissed from the infirmary at that time, until after I got sent away. I left him there, and went home, and heard from him occasionally. One time in particular I went out, and I met Mrs. Robinson. I asked her permission to see Franky; she gave me permission. She told me I would find him upon the grounds, and could have him and take him in the infirmary. I took him in the infirmary; had him there until evening. I took tea with Mrs. Lewis. As we were going home I met Major Smith; he asked me who gave me permission to come in. I told him, Mrs. Robinson. He seemed to dislike it very much. He spoke very harshly to me; the child began to cry. He then told me not to come in without his permission.

It went on from time to time. I did not hear until after that Franky used to get fainting spells. He used to say that he got weak in his knees. I did not hear that until after his death; that was kept from me; I did not know anything

of it. When it was time for him to come out (he came out occasionally) he seemed better, although not quite well; he seemed weak.

The following April he was out his Easter holidays. Easter Monday he was ill all day, lying in bed. The child got up before evening, and said that he must go back to the College. I told him that I would tell Major Smith that he was too ill to come. "Well," he said, "they will send after me; I would not stay back for anything." And he said, "I do not want you to go in; the Major will not let you. Just take me to the lodge." I took the child out to the lodge, and the next Wednesday was mother's day. I was laboring under great anxiety of mind about him, on leaving him so ill. The next Wednesday I went out very early in the morning. I found Franky coming out of the chapel. He said he seemed better, only he felt a little weak in his knees. I spoke to Mrs. Franklin about it; she said he complained of it a great deal. I did not hear anything more until it was his day to come out, in May. I was then employed in a store. I went home expecting to find him; he was not there. I was afraid to go out, for fear that he was kept back for some trifling offence; I sat down and wrote a letter, enclosing a post stamp, asking the Major what was the matter with Franky. He wrote me an answer, saying that he was not well; that he was about the infirmary; that he complained of headache; and should anything serious occur he would let me know immediately. I then made my mind easy, thinking that he did not feel very well. The next Sunday a man came to me, saying my child was dying. When I went out there I found him dead.

The Nurse told me that Major Smith came into the infirmary and took him out of bed, and she was in hopes, when she took him into the bath room, he would go away, and then she would have put him back to bed; for she thought he was more fit to go back to bed than to go to the chapel.

Mr. Wagner. What was the name of the Nurse?

A. Mrs. Lewis.

Mr. Stokley. Did Mrs. Lewis state to you distinctly that Major Smith had taken him out of bed?

A. Yes, sir; I understood that at the time that he had taken him out of bed. It made me feel rather bad at the time. My brothers wanted to take it up; but mother being

sick—the news of his death worried her; she died rather suddenly; she died in two months' time; he was a favorite of her's—we thought we had better let the matter rest. I went to see Mr. Horne about it; he was a particular friend of mine.

Mr. Stokley. The Saturday before his death did you send anything to him?

A. Yes, sir, I did; some oranges and cakes. Mrs. Lewis told me that she pitied him, and slipped some of the cakes into his pocket. She said she done it out of sympathy for him; whether it was out of sympathy or not I do not know. She told me, however, that she felt sorry for him.

Q. Mr. Wagner. During your three months' stay out there you saw Major Smith frequently?

A. Yes, sir; every day.

Q. What was his conduct towards Franky?

A. Very kind.

Q. Then at that time you saw him (Major Smith) every day?

A. Yes, sir; every day. He was in the infirmary every day, and sometimes twice a day.

Q. Mr. Martin. Has Mrs. Lewis been to see you since Major Smith left the College?

A. Not since the dismissal; while it was talked about she came to see me.

Q. What was the purport of the conversation you had with her?

A. She spoke about it (the previous conversation.) I did not have much to say to her. She told me Franky was up, and I told her what she had previously told me.

Q. Mr. Stokley. The day upon which you prepared the affidavit and signed it, did not Mrs. Lewis call upon you that day?

A. No, not that day. I think it was the day before. I don't think that I have seen her since.

Q. Did you, upon the occasion you refer to, have a conversation with her in reference to the death of Franky, about his being taken from the infirmary to the chapel?

A. We did. We were talking about it; and I was told by some of the inmates there that they thought it was very wrong in Major Smith's taking Franky out of the infirmary; that he was more fit to be in bed. And Mrs. Lewis also

told me that she wished he would not interfere with the children in the infirmary.

Q. Did Mrs. Lewis ask you whether you were not mistaken about what you said about Major Smith?

A. Yes, sir, she did. I told her that was what she had said to me, and she said, "Oh! no." I told her that was what she had told to others. For other persons came to me and told me exactly what Mrs. Lewis had told me herself.

Q. By Mr. Harper. Were you in the infirmary of the Girard College attending upon your son at one time?

A. Yes, sir.

Q. How long were you there?

A. Three months. He had the spotted fever.

Q. What was the state of his health afterwards?

A. It left him very weak.

Q. Was he subject to convulsions?

A. He never had anything of the kind that I knew of. They told me afterwards that he got fainting fits. They told me (this was after his death) that he would get them when he was going to the chapel. I never knew anything of it until after his death. The inmates of the College told me this, and Mrs. Paul came to our house and told me.

Q. Did you ever meet Dr. Hollingsworth there?

A. I did.

Q. Did he pay proper attention to him when he was sick?

A. He did. He told me when my child died that he would never have lived to become a man.

Q. By Mr. Stokley. Did Dr. Hollingsworth, at that time, say anything about his convulsions?

A. I did not know anything about it until after his death and burial. I made some inquiry about the child then, and they told me that he used to get these fainting spells. I think, however, that that was very unjust. I think that they ought to have let me know it. It was said that this was on account of his having had the spotted fever, and that he was never well afterwards. Major Smith was present at the time of this conversation.

James Kirkpatrick, sworn.

Q. By Mr. Stokley, Chairman *pro tem*. I believe you are connected with Girard College?

A. No, sir. I have been ; I am not now.

Q. You were connected with it (the College) about the time of the celebration of the dedication of the Gettysburg Cemetery ?

A. Yes, sir.

Q. You had possession, I believe, of the flags that belonged to the institution ?

A. I always had charge of them.

Q. What date was it ?

A. I could not tell the date.

Q. Do you remember the condition of the flag-staff and halyards ?

A. I do sir ; they were in perfect condition.

Q. Could the flag have been raised ?

A. Yes, sir.

Q. Did you make any application to raise the flag ?

A. I did, in this way : Before the scholars went to the chapel, they brought to me the paper, and I saw in it the request from the Governor that the flags should be raised upon all public buildings, and they asked me to raise it. I told them I did not like to do it. I said, "I will see the Major, and ask him ; and if he says so, I will put it up." I went up to the College, and met him upon the front portico ; and I asked him, and stated what the boys wanted. He said he did not think it was a public building, and that it was not necessary to raise the flag.

Q. And the flag was not raised ?

A. No, sir.

Q. By Mr. Harper. How long were you employed in the College, Mr. Kirkpatrick ?

A. I was there going on four years ; three years and a-half.

Q. Were you there upon any other occasion when the flag was raised ?

A. Oh ! yes, sir.

Q. What were those occasions ?

A. Well, upon the occasion of victories, Girard's birth-day, Fourth of July, and such occasions as that ; and before that time we used to raise it upon a small pole.

Q. It was put up, then, upon the occasion of victories ?

A. Yes, sir ; before they raised the large pole.

Q. And the only occasion you know of a departure from

that custom was upon the occasion of the dedication of the Gettysburg Cemetery?

A. There was another occasion of a victory where there was a refusal.

Q. What victory was that?

A. I could not state the victory. There was a report made in the papers of a great victory gained.

Q. Was any request made to raise the flag at that time?

A. I am not positive about that.

Q. You were employed there in July, 1864?

A. Yes, sir.

Q. Do you know anything about what occurred on the Fourth of July of that year?

A. I was not present that day; but I know, after the refusal to hoist the flag, it was hoisted a few weeks afterwards.

Q. After what refusal?

A. I could not tell you upon what occasion. I know the halyards were broken, and they were tangled up.

Q. Did Major Smith request you to get it (the flag) down, so as to have it put in order?

A. Yes, sir. It was (the order) to get the flag down; it was a disgrace to have it in that condition. I told him that those that put it up must take it down. I would never have anything to do with the flag afterwards. When it blew down, I rolled it up and put it away in the Directors' room, where it is now.

Q. What Fall was that?

A. It was after some Fall.

Q. Fall of 1864?

A. Yes, sir; I left in September, 1864.

Q. Had you any reason to believe that Major Smith was not loyal to the Government?

A. I never heard him say anything about it. I thought he was loyal.

Q. By Mr. Cattel. You said you were at the College some three years and a-half. Were you there under Mr. Allen's administration?

A. Yes, sir; one year.

Q. Was it customary then to raise the flag upon public days?

A. When that pole was put up, he said: "the matter is in your charge, and when there is a victory, raise the flag."

Q. He gave you entire control of it?

A. Yes, sir.

Q. After he left, and Major Smith had charge of it (the College,) had you any contrary orders?

A. No, sir.

Q. Had you not the right to put the flag up on that day?

A. It is customary to ask the President.

Q. Did you always ask Mr. Allen's permission?

A. Yes, sir, nearly always.

Q. By Mr. Wagner. After Professor Allen left, and Mr. Arey took charge, did he renew the permission given by President Allen?

A. I think he did. I know he came to me several times to put the flag up.

Q. Then, after Mr. Smith took charge, what instructions were given you?

A. No instructions were given to me at all. Not to my recollection.

Q. He did not instruct you not to raise the flag?

A. No, sir; only upon that day. He said: "That he did not think that it was necessary." "He did not consider it a public building, and the request in the paper was to have it raised upon public buildings; and he did not consider that (Girard College) a public building."

Q. The boys wanted the flag raised?

A. Yes, sir; they wanted it raised.

Q. Was there anything said among the Prefects about the flag not being put up?

A. I believe there was one Prefect and some of the Professors who found fault. Major Smith said something in the chapel about it. I was not present; I had boys working for me who came down and said so.

Q. Did these Professors say that the flag ought to have been raised?

A. They did.

Q. Did you think it ought to have been raised?

A. I thought it did not hurt anything. Flags were up all over the City.

Q. Were the halyards out of order on that day?

A. They were in perfect order. I should not have asked to raise it if they were broken.

Q. By Mr. Harper. Were you led to believe from what he

said to you, that it was out of any feeling of disloyalty that he said it?

A. I did not like what he said personally; it hurt me a little, but after I thought over the matter, I thought he had his reasons. I wished to gratify the boys as much as anything.

Q. By Mr. Littleton. Are you there still?

A. No, sir; I left there in 1864.

Q. Do you recollect of the flag being raised at any victory while you were there?

A. Yes, sir; I raised it several times.

Q. By order of the President?

A. No, sir; I do not think that Major Smith ever ordered me to raise it.

Q. By Mr. Harper. It was a customary thing to raise it?

A. Yes, sir.

Q. At all Union victories?

A. I believe, upon several occasions, it was even raised at reported Union victories, and they afterwards turned out Confederate victories.

Q. Do you recollect whether it was raised upon the occasion of Mr. Lincoln's death?

No, sir; I was not there then?

Q. By Mr. Littleton. You stated that Major Smith had his reasons for not raising the flag?

A. I thought the Directors influenced him.

Q. What Directors?

A. The Directors at that time in the Board.

Q. Was Mr. Vaux then a member of the Board?

A. He was. He was President of the Board.

Q. Do you think that Mr. Vaux influenced him?

A. I think he did.

Q. You did not attribute it to his own feelings?

A. No, sir; I thought that it was the Directors that controlled the whole thing.

Q. Do you mean to say that he was afraid of offending them?

A. Yes, sir.

Mr. Wagner. Mr. Kirkpatrick said he did not think Major Smith was in any way disloyal.

Henry W. Arey, sworn.

Q. By the Temporary Chairman, Mr. Stokley. I believe you are connected with Girard College?

A. I am Secretary, sir.

Q. How long have you been connected with the institution?

A. Twenty years, sir.

Q. By Mr. Harper. You have said you have been connected with the Girard College for about twenty years. What portion of that time have you acted as Secretary of the College?

A. All that time, sir.

Q. Have you ever acted in any other capacity?

A. I was temporarily President of the College from the 1st of January, 1863, until the 30th of June, 1863; six months.

Q. You have been there during the time Major Smith has been President?

A. Yes, sir.

Q. Was there ever anything that came under your observation that led you to believe that Major Smith was disloyal?

A. I have never seen anything, sir, to that effect. I have never had any conversation with Major Smith upon the subject, or at least any special conversation on the subject of National matters. I have never heard him say anything that led me so to believe. Perhaps, under my oath, of telling the whole truth, I would also say, that I have never thought so.

Q. Was there anything in connection with the administration of the College, in which you have thought Major Smith failed to perform his duties properly?

A. That is rather an indefinite question, if you ask me for facts. But I am not a resident officer of the institution. My duties are in connection, especially, with the Board; and with admission, and sending out of boys, all of which are external duties, to a large degree.

Q. You attend as Secretary of the Board?

A. Yes, sir.

Q. Well, sir, in that position, did you ever hear of any accusation made before the Board, in relation to Major Smith's incompetency? Or inability to perform his duty properly as President?

A. I have heard resolutions sometimes offered in the Board, which were to the effect of censuring his special acts. Resolutions of inquiry which involved an accusation.

Q. What did these resolutions result in?

A. These resolutions of inquiry resulted in reports by the President, in reply to these resolutions.

Q. Were any of the reports of Committees that examined into these matters to the effect of condemning Major Smith?

A. I do not recollect of any reports of Committees to that effect.

Q. Did you ever hear any Committee, either through its Chairman or otherwise, offer a resolution of inquiry as to his cruelty in the treatment of children?

A. I think I recollect one such instance at least, sir. In the case of the boy S——n there was an inquiry made, under the resolution offered by the Chairman of the Committee on Discipline and Discharge. As well as I can recollect at this moment, asking for information with regard to the number of punishments and so forth, that had taken place in the institution within a certain space of time.

Q. Do you recollect the result of the inquiry, whether the Committee after the examination condemned Major Smith?

A. I think the Committee were divided somewhat in their sentiments upon the subject.

Q. There was no resolution of censure ever passed?

A. No, sir.

Q. Do you recollect any other instance besides the one you spoke of?

A. I recollect of several, sir. One as to the authority the President had to allow a vacation at Christmas; and another inquiry by what authority the President had introduced the study of the Latin language in the College. I recollect another inquiry made by a member of the Board, in a resolution, asking for the number of cases of abscondings, and the number of cases of dismissal within a certain specified time, and the number of cases of punishments within a specified time.

Q. Well, did you consider these resolutions of inquiry, as directly involving the question of Major Smith's proper administration of his duties?

A. I so understood them sir; I am not a member of the Board.

Q. Do you remember after these examinations had been made under these resolutions, whether there was any resolution passed condemning him for undue punishment?

A. I do not remember of any improper administration of the affairs of the College.

Q. Was he condemned for introducing the Latin language into the College without authority of the Board?

A. I think he was sir; without official action, but by expression of opinion.

Q. No resolutions were passed?

A. None, except resolutions of inquiry, by what authority he had done so.

Q. Did not Mr. Heaton say he had something to do with it?

A. Yes, sir; he assumed the responsibility.

Q. By Mr. Littleton. Do you know anything of any unusual punishments having been inflicted upon the boys under President Smith's authority, or under his administration?

A. I do not of my own knowledge, sir, know anything that would amount to testimony; in my judgment. I have heard of cases; but the answer I made before will apply. I am not a resident officer, and the punishments of the College do not come under my personal knowledge.

Q. Can you not state what you have heard?

A. I have heard a number of complaints, sir. The only instance in which anything has occurred in that direction that I have ever had any conversation with Mr. Smith upon the subject, was the case of S——I S———n. I will state the circumstances so far as I know them, or as they were told to me in an interview I had subsequently.

Q. Was that a case of unusual punishment?

A. It was so asserted, unusual and excessive.

Q. Was the attention of the President called to it?

A. I had better state what occurred. The boy S———I S———n, I had known several years as a pupil of the College, and had some personal interest in him. I was informed by one of the ladies of the College one afternoon, that he was lying in the infirmary dangerously ill. I had no knowledge of it previously; I went immediately to the infirmary to see him. I found him very ill, and his mother present; after staying there a short time, I left the room and the mother followed me; she was apparently laboring under great excitement, and she begged me to listen to the statement she desired to make with regard to her son.

I at first hesitated to receive her statement, it being a matter in which I had no direct interest; but she was so urgent, that I finally went into an adjoining room with her,

and she told me a story with regard to the punishment of her son by one of the Prefects; which as she told it, appeared to be a great wrong. After hearing the details of her case, as she stated it, I urged her at once to go to Major Smith; that he certainly, would not permit a punishment of that kind. She replied that she had done so without success. On the following day, upon visiting the boy again, I met Major Smith as I was coming out of the infirmary; and full of what I had seen and heard, I felt that there was no impropriety in speaking to Major Smith with regard to the case. I called his attention to it, urged him to investigate it for the sake of his administration, as well as for justice to the child. I remember, especially saying, that if this case, as represented by the mother, was true, that it would do great injury both to the College and himself, if it went outside of the College. Mr. Smith told me generally, he had investigated it sufficiently to satisfy himself that the charge was not true as made by the boy, and that he did think the boy was not a truthful boy. I did not myself see the punishment. I did not see the stripes upon the boy, as was alleged. I have no personal knowledge whatever, other than what I have stated.

Q. By Mr. Littleton. Have you heard of any unusual modes of punishment?

A. Yes, sir; but I am not a resident officer.

Q. What kind of punishments have they been that you have heard of?

A. I do not assert nor assume anything of my own knowledge.

Remark by Mr. Littleton. You can give us your statement.

A. Well, I have heard it said by officers of the College, that after the rule was enacted—in September, 1866—which placed under restrictions corporal punishment, that the Prefects devised unusual, and what, if true, I should suppose were cruel punishments. In place of the infliction of corporal chastisement, I have heard it stated that they punish boys by compelling them to sit upon nothing, which, as described to me, consists of leaning the head and upper portion of the body against the fence and flexing the knees; and they are forced to remain in that position for a given length of time. They also punish boys by requiring them to extend the arm, and place a weight upon the arm. I have heard it said that boys have been punished by depriving them of sleep at night,

and also punished by the Prefects by depriving them of food, or, at least, all food excepting a piece of bread—allowing them no meat.

I may state, in this connection, that in addition to the statements made to me generally to that fact, that the present President told me that he has ascertained by the Prefects themselves, that these punishments have been inflicted. I have no personal knowledge upon the subject.

Q. Do you know anything about the punishment of locking up, or seclusion?

A. Of my own knowledge nothing, excepting perhaps in one or two instances, that I have visited boys; I know punishments of that kind were administered.

Q. Have you ever visited boys confined in the lock-ups?

A. I have, sir.

Q. What condition did you find them in?

A. The room was bare of furniture; there was a mattress upon the floor, and very likely a urinal in the corner, or a chamber vessel in the corner.

Q. Was there not fire in winter time?

A. No, sir; I think not. I have only been there upon one or two occasions; in cases where I had some interest.

Q. Do you know, in reference to the absconding, as to the proportion of abscondings during Major Smith's administration, or any previous terms?

A. I could not state the exact figures, sir; the abscondings were very much larger, sir.

Q. By Mr. Harper. Was that during the whole of his time?

A. More especially the first six months, and within the last six months.

Q. Was it confined to a period when the war lasted, pretty much?

A. No, sir; I think not entirely. I think that had much to do with it, sir.

Q. By Mr. Littleton. Had you abscondings during your six months?

A. I had three cases.

Q. By Mr. Wagner. You had three cases?

A. Yes, sir.

Q. By Mr. Littleton. Do you know how many boys were dismissed?

A. There were three dismissals. One for an offence committed outside—a case of larceny, in Newton—he was the oldest boy in the College, and his offence was such that it required his dismissal; the other case, of a boy who had absconded for the fourth time—three times prior to the fourth time, during my time—the abscondings occurred within a very short period before I left.

Q. By Mr. Littleton. There have been several statements in regard to the rules adopted in September, 1866; what was the basis of those rules?

A. They were substantially a republication of the old code, which were in existence since 1857. I this morning, anticipating perhaps that that might be a question, took the trouble of going over them, and have the memorandum of the new rules that were not embraced in that code. Of the sixty-six rules—which constitute the rules in Girard College—fifty-four are republications of the old rules, not altered in the least; of the balance, there are seven that are new rules entirely, and there are five that are rules that have been changed in phrascology—as the word “mother,” introduced in addition to relations and friends; or where the hour of rising was six o’clock, in the old rules, it was made six o’clock in summer and half-past six in winter.

Q. Can you state what the new rules are?

A. I can, by examination, tell you precisely what they are; I have the original copy with me. The first is: “The President shall be present at each stated meeting of the Board, during the reading of his report, for the purpose of furnishing any information that may be required; upon the completion of this portion of the business he shall retire. He shall also attend the meetings of Committees, when his presence shall be requested.”

The next is: “The President shall have authority to suspend from duty any officer, for satisfactory cause, reporting immediately to the Board the circumstances of each case, and the reasons therefor, for such action as the Directors may deem proper to take. He shall,” etc., etc.

Rule No. 7 is also a new rule.

Q. By Mr. Littleton. Do you know why that rule was adopted?

A. I suppose it was adopted because the Committee which had the formation of the rules desired that that practice,

which had formerly been in existence before for years, and had not recently been much observed, should be observed.

Q. Do you mean to say they had no funeral services for those who died?

A. I cannot of my own knowledge testify. I can only give my impressions. My impression is, as I have said at the time, that it had not been the custom to have funeral exercises.

Q. You think that was to re-establish a former practice?

A. Yes, sir; that I know to be the fact.

Q. Is not there a rule in relation to the chapel service? and is that a new or old rule?

A. The part requiring the President to perform his duty once a month; that is a new rule.

Q. The rest is a new rule?

A. Yes, sir.

Q. Why was that changed?

A. I believe, sir, for the same reason. At least, I can give only my impressions what were precisely the motives in prescribing rules.

Remark. I thought that you, being the Secretary of the Committee, might know what fact induced it.

A. I only know, sir, it was asserted.

Q. That the duty had been neglected?

A. That the duty had not been performed to the extent they desired. Rule 12th is a new rule, (as to the President instructing the graduates.) Rule 13th is also a new rule, (as to the temporary absence of the President, and providing that the place be filled by the Secretary.) I would like to be permitted to say, in connection with that, that that rule is not the rule which was reported by the Committee on Rules. I have here their original report; that rule was altered by the Board. The original rule was altogether different. But one of the rules was stated to the Board at the time, and the President objected to it, and it took another shape. The original rule is in these words: "In case of the temporary absence or incapacity, or from any other cause, an officer shall be appointed by the Board to supply his place to perform his duties." That was the original rule.

Q. Was that objected to by the President?

A. It was understood that it was among the objections offered by the gentlemen on whose motion a number of the

rules were altered to suit the objection of the President. There is no material difference. The other rules are a mere republication of the old rules.

Q. By Mr. Harper. Can you tell why these rules got into disuse?

A. By express resolution of the Board, they were repealed.

Q. Do you know of any opposition, either in effect or spirit, on the part of the President, to the carrying out of these rules?

A. Of my own knowledge, no, sir. The only knowledge I have is with regard to the subject of the report made by the Committee on Rules.

Q. Was not there a protest or remonstrance sent in?

A. The only knowledge which I have, which is testimony is this: At the next meeting after the adoption of this code of rules, there was a communication, signed by Mr. Becker, purporting to be for himself and other officers of the College, which, in the opinion of a part of the Board, was disrespectful and disobedient. That communication was referred to the Committee on Rules. A few days afterwards, Mr. Becker came to my house; appeared to be uneasy, said there was some feeling against him, and that he desired to say that he had written that paper at the instance and at the request of the President; that he had not intended that it should be presented to the Board; that it had been sent in without his consent or approval. I told him he had better go to the Chairman of the Committee and make his statement. I was informed that he gave the statement to the Chairman of the Committee. It was so stated, in fact, in the report.

Q. By Mr. Littleton. Do you know of any boys enlisting in the army, and being dismissed from the College on that account?

A. Yes, sir. I remember that, in the early part of the administration of Mr. Smith, there were certain boys who enlisted in a regiment, then in the process of formation, north of the College, and that steps were taken by Major Smith, through the Courts, to withdraw them, which was successful. The boys were brought back to the College, and they were recommended for expulsion by the President, in consequence of that act. The Board ultimately declined to expel; but referred the matter to the President, with power to do as he

thought best. They were subsequently expelled under that authority.

Q. By Mr. Littleton. Was it reported to the Board?

A. Yes, sir.

Q. Do you know anything in relation to the flag raising?

A. Nothing of my own knowledge, sir.

Q. By Mr. Cattell. Were the lock-ups in use during the administration of Mr. Allen?

A. Yes, sir.

Q. Where were they at that time?

A. The original lock-ups, the first that were ever used in the Girard College, were in the building known as No. 5, in the building in which the water is now raised.

Q. By Mr. Harper. During what administration was that?

A. During Mr. Allen's administration.

Q. Was that where they generally were put?

A. Yes, sir. They were subsequently removed to the upper rooms of the infirmary building, sir.

Q. Mr. Cattell. Where were they at the time you were acting President of the College?

A. In the infirmary, sir.

Q. Have you ever seen the lock-ups in No. 2?

A. Never, sir.

Q. Those which you refer to, were they in the infirmary building?

A. Yes, sir.

Q. Do you know of any of the punishments that were inflicted in No. 2?

A. Not of my own knowledge, sir.

Q. Do you know how long boys were confined for punishment under Mr. Allen's administration?

A. No, sir.

Q. What was the general term of punishments in the lock-ups?

A. I really could not answer that question without some examination, with accuracy. My impression is that boys confined in the lock-up generally were only there for short periods of time—two or three days. I cannot be accurate about it, sir.

Q. Do you know how long they were confined there during Mr. Smith's administration?

A. Of my own knowledge, I do not. I have nothing but

what is derived from other sources, and no knowledge which is properly testimony. I have heard a great many things.

Q. Have you heard of any case of thirty days?

A. Mr. McFarlane told me so, sir. One instance.

Q. He is one of the Prefects?

A. Yes, sir.

Q. Did he tell you what it was for? Why such a long term was given him?

A. I do not remember that he did. I remember of his telling me, in the Directors' room, of the boy—who was still in the College—who had been confined there a period of thirty days. I do not remember, sir, what the offence was.

Q. Mr. Martin. Did you ever hear of one being confined for three months?

A. Only from rumor. I know nothing of it of my own knowledge whatever.

Q. Mr. Cattell. Did you ever hear any complaints of the parents or friends of the boys as to the cruelty or cruel treatment of the boys under Major Smith?

A. I have heard a great many.

Q. Have they ever called upon you?

A. A great many persons have called upon me, and placed me in an embarrassing condition in reference to them. I have in all cases avoided hearing complaints myself; frequently they have come to my house, and I have told them they must go to the Directors, as I had no power in the matter.

Q. What was the character of the complaints?

A. Complaints of corporal chastisement; complaints of improper and undue confinement in the lock-ups; unwillingness to allow applications that were made for what they considered to be not improper privileges. I can instance a number, which will give a better illustration than vague statements of that kind. I can tell you an instance, with their names, if the Committee desire me to do that.

The case of S——l S——n is one of the strongest that I have already referred to. The statement made to me by the mother of the boy, and by the boy himself, was that he had been taken out of his bed on a very cold night in winter, and flogged by his Prefect, after he was sound asleep, with nothing on him but his night-shirt; that he had been so unduly punished that in the morning he was unable to arise;

that during the day he was taken down stairs and kept in one of the rooms, and subsequently was removed to the infirmary, where he became very ill. That is one of the statements I remember. I remember the statement of Mrs. W——s, whose boy resides in the northwestern part of the State. It was her grandson who was in the College, and that upon one occasion, on his being allowed to go home on his vacation, she found that he was covered with stripes. The lady came down here, and was very vehement in her demonstrations. I remember the case of Mrs. D——n, who complained of not being permitted to go into the College; first the ticket being granted to her sister, and subsequently being allowed to go in; that the ticket was transferred to her, and the sister remained in the lodge, and that, in going in with her little child, the child was stopped. The lady was very vehement. I remember a number of such instances; it would require some time to give them.

Q. Did you ever hear any complaints on the part of the parents, guardians or friends, of the cases of undue punishment under Mr. Allen's administration?

A. Yes, sir; there have been some instances also there. It is impossible, in an institution of this kind, that there should be no complaints.

Q. Were they of harsh treatment?

A. They were of excessive punishments. Complaints sometimes made before Committees.

Q. Did the Committees examine into them?

A. Yes, sir; they have in some instances.

Q. Have they ever found the complaints to be justified?

A. In some instances. I remember one instance in which the Prefect was dismissed from the College, sir. I remember one instance, sir, under my own administration, in which a Prefect administered punishment, which was utterly without defence, and for which I called him to an account. I did not feel justified in dismissing him, being only a temporary officer, but I informed him that any repetition of that kind of punishment would result in that, as I could not take the responsibility. I could not approve of it.

Q. Were any of these complaints, during Major Smith's time, made the subject of investigation?

A. The case of S——l S——n made a long investigation; it continued over three months, I think.

Q. What was the result of that, Mr. Arey?

A. Well, sir; the result was, that pending the investigation, the boy was allowed, on the occasion of Easter holidays, to go home, and his mother declined to return him, stating she was not willing to allow him to go where such injustice had been done; and the boy was expelled.

Q. The Committee made no report then?

A. The Committee divided upon the subject. It was a matter of long inquiry. I had taken the testimony down, and have it yet.

Q. By Mr. Harper. Do you know what became of the boy afterwards?

A. He is in the City. He came to my office, in Fifth street, some two months ago, and that was the only time I had any conversation with him. I asked him about his health, and he said he was better than he was when in the College. He attributes his condition, himself, to the punishment.

Q. It was inflicted by a Prefect?

A. Yes, sir. Not by the President of the College.

Q. By Mr. Wagner. They have authority to inflict punishments without the authority of the President?

A. So far as I know, it was the custom under Major Smith. It (the College) was run under the common law. The recollection of these rules, and they were repealed, the officers considered themselves capable of inflicting corporal punishment.

Q. Do you know when that rule was first adopted?

A. It was adopted in 1867. I remember the rule very well, and the circumstances and reasons for its adoption; and these reasons were to prevent abuses.

Q. By Mr. Cattell. Did the old rule of 1857 go into disuse?

A. I do not think it did, sir. It was enacted towards the end of Mr. Allen's administration. He was absent a good deal from the College, and there was temporary authority given to him, under the circumstances of his absence, to delegate to a particular officer the authority which he, only, under the rule, exercised himself. I do not think, sir, it went into disuse. I always supposed that it was performed, except that it was delegated to a subordinate officer, under these peculiar circumstances. The authority, previous to the suspension of these rules, to inflict corporal punishment had always

been confined to the President of the College, as the executive, and the punishment was executed by some person appointed by him for that purpose.

Q. By Mr. Harper. Was there any understanding between yourself and the President that the rule, requiring the Secretary to assume the President's duties in case of his absence, was not to apply in case of an absence of only four or five days?

A. No, sir, I do not know that I ever had a word of conversation with the President upon the subject, that I remember of at this moment. I never interchanged, to the best of my recollection, with him, a word upon the subject of that rule.

Q. Do you recollect the time when these new rules were adopted.

A. Yes, sir; they were adopted September 26, 1833.

Q. Can you state who the members were who prepared these rules?

A. I can name some of them, sir. I do not think that I know all of them. Messrs. Roberts, Foust, and Coleman were members.

Q. Did they meet in Committee to adopt these rules?

A. Yes, sir.

Q. You were present at their meeting?

A. I was, sir.

Q. Did they (the Committee) suggest the new rules?

A. The form that was adopted, was that the Chairman of the Committee prepared a schedule of rules, and called his Committee together, in Fifth street, to whom he submitted the rules, and they were there adopted; ordered to be put in type in that form, in which they now appear, and presented to the Board. I am uncertain as to the date of this report; I think it was the 10th when they were distributed among the members of the Board, and then the Board adjourned until the 26th, when they were finally adopted.

Q. What I wanted to get at was, who suggested these new rules?

A. The new rules were put into language by myself, under the instructions of the Chairmann of the Committee, Mr. Roberts.

Q. They were written by you?

A. The phraseology of the rules was done by me.

Q. Did you suggest any of them yourself?

A. Yes, sir. I think it is not unlikely but that I did, sir; at this moment I cannot recollect which. I think it is not improbable I did. I am under the impression that I suggested the rule referring to the appointment of some person to act during the absence of the President.

Q. By Mr. Littleton. Did you suggest the one as to corporal punishment?

A. Yes, sir; the re-enactment of it, most decidedly.

Q. You had formed your opinion of it from the cases in the institution?

A. More particularly from the case of S——l S———n, which had impressed me very strongly.

Q. By Mr. Marcus. How many of these Prefects are there employed in the College?

A. There are five sir, in the institution; four of them are essentially Prefects, officers of discipline, and one has charge of the shoe class.

Q. What are their ages on an average?

A. I should think the average age of the four, sir, would be about twenty-four years. The youngest cannot be much more than twenty-one or twenty-two; somewhere in that neighborhood.

Q. By Mr. Harper. By whom are they appointed?

A. They have all been appointed by the President, excepting one.

Q. Does he appoint them without the sanction of the Board?

A. He had all power under the operation of the resolution which suspended these rules to make appointments, and these appointments had to be sent in to the Board for confirmation. I am not sure whether all the Prefects have been confirmed.

Q. Does he have the selecting of these Prefects himself? or is it through the instrumentality of the Board?

A. The President is the responsible officer, I know nothing about them. In one instance, there is one of the four Prefects, that perhaps to be strict about it, I should make this statement. I myself spoke to the President with regard to this young man at the time; when he was an applicant, I told him he had been a former pupil of the College, and that his record was good in the College, and especially as an

apprentice; and that he desired me to say that, and I did so in accordance with his wish.

Mr. Marcus. What is the salary of these officers?

A. Five hundred dollars, and support.

Mr. Cattell. Do you remember any conversation which Mr. Smith had with you in relation to the rule requiring you to take his place in his absence?

A. I have no recollection of ever having exchanged a word on the subject of that rule.

Q. I mean requiring you to take his place in the chapel services?

A. No, sir; Major Smith has never had such a conversation with me, to the best of my knowledge. Major Smith on one occasion invited me to officiate in the chapel; that was long before the adoption of these rules, and that is the only conversation I had with him upon the subject. I have no recollection of conversation upon the subject of this rule, from the time it was enacted until the present time; one reason why I am rather firm, was that I always felt some embarrassment with regard to the rule, and I wish to state that the rule was enacted by the Board, very much to my surprise, and certainly to my annoyance. I did not desire it in any way, and rather desired that it should not be, and I do not at this moment recollect ever having had any conversation with the President on the subject of the rule.

Q. By Mr. Littleton. Has it not been frequently your custom to write the reports of the different Committees of the Board?

A. It has been the custom ever since I have been an officer in the College; which is ever since it has been opened, and before the College was opened, for me to be called upon by the Committees to write their reports, and a very large proportion of all the reports that are upon the records of the College, including the annual reports of the College, was performed by me.

Q. You consider that your duty?

A. Yes, sir.

Q. Have you not written the reports of the Board to Councils?

A. Yes, sir; the annual reports made to Councils, I have written several of the annual reports in the name of the President of the Board.

Q. It is an ordinary thing for you to do it ?

A. A common thing for me, sir, to do it.

Mr. Harper. Under all administrations ?

A. Yes, sir.

Q. Do you recollect the age of S——n ?

A. Yes, sir ; he was about twenty-eight years old.

Q. Do you know of any case of appeals by the boys from any infliction of punishment by the President ?

A. From my own knowledge, no, sir.

Q. Do you know of any relative complaining of harsh treatment to them on the part of the President, in regard to themselves or the punishment of the boys ?

A. Yes, sir ; I have heard more than one make such a complaint, at the College and at my own house.

Q. What were the nature of the complaints ?

A. Harshness in manner, unwillingness to allow applications which they desired to have granted.

Q. Was there ever any complaint made to you of any harsh treatment by Mr. Allen ?

A. Yes, sir, I think so ; but whether the word complaint is hardly a proper word, the explanation is easy to one who knows the institution ; I am the officer with whom they first come in contact ; I receive their application for the admission of the boy. I am the first one they know in the Collège ; they are consequently very apt, on the visiting-day, to come to me, or even to come to my house, although I have nothing to do with the question they come to inquire about.

Mr. Harper. Did you ever receive any discourteous treatment from these people ?

A. Yes, sir, I have had upon several occasions discourteous treatment from mothers of boys ; many of them are very annoying in their relations, in their language and conversation ; many of them are very unreasonable.

Q. From what class do the boys in the College generally come from ?

A. They must necessarily be poor, sir, from the words of the Will. A very large proportion of the boys are from the class of people who are very destitute. There are some instances of quite respectable people, who have become impoverished, who have children in the College.

Q. Do you think the class of boys in the College is equal to the ordinary class in the Public Schools in the City ?

Mr. Arey. In what respect, sir?

Mr. Harper. So far as learning, behavior, and good conduct is concerned?

A. I think some, with regard to their behavior, are equal. I think the conduct of the pupils of Girard College, as a general thing, is rather better.

Q. Do you think the boys generally sent to Girard College, when they first come there, before they come under the influence of the institution, are generally of the class of boys who are taken from the family where only one is allowed to come; that the boy who is chosen is generally that one who is the hardest to take care of at home?

A. No; I cannot say that, sir; because the causes that operate upon the admission of the boy are so different from that—that is to say, the periods of time between which they must be taken usually, would prevent any very great selection—there may be, sometimes, a boy who would be eligible, in one family at one time, but generally, out of two or three boys, hardly ever two of them eligible within the period of four years. Then, again, when you take into consideration that the number is also reduced by there being female children, I should hardly think that was true.

Q. By Major Smith. I merely want to ask you what was your impression about the application of the rule as to the substitution of a person to act as President in the temporary absence of the President?

A. My own impression was, that the rule was intended to apply only in such prolonged absence, either from the City or occasioned by his sickness, as would require for the interests of the institution that the substitute should act.

Miss Eliza Jane Hare, sworn.

Mr. Stokley, Acting Chairman. You will now be kind enough to answer such questions as will be put to you by the members of the Committee.

Q. Mr. Harper. How long have you been a Governess at Girard College?

A. Four years the first of last April.

Q. Do you know anything of harsh and unkind treatment to the boys in the College since you have been there?

A. Yes, sir; there have been many instances which, I thought, were very unkind and harsh.

Q. What was the nature of the punishment?

A. I had only charge of one boy in the lock-up; he had been there a long time without heat. I spoke to the President about him.

Q. What was his name?

A. His name was J——n.

Q. What was he confined there for?

A. For running away—absconding.

Q. How long was he confined?

A. I think I had charge of him the first two weeks that he was confined. I cannot specify as to time; it was over twenty days.

Mr. Stokley. Do you recollect the case of the boy B——d, who had his feet frosted while in the lock-up?

A. Yes, sir; I recollect him. He was assigned to me the first of December, one year ago. He was then confined in the lock-up. I cannot say how long he had been there; his feet were frosted, and I spoke to the Nurse one morning about it, and she said she would attend to it. I asked her in the evening if she had done so, and she said she had, and that she had put caustic upon his feet, or something of the kind.

Q. This Nurse was Mrs. Lewis. Did you speak to the Doctor about it?

A. I did not. I was not with him only at the time of his taking his meals, and to attend to him personally.

Q. Do you suppose his feet were frosted from the cold in the lock-ups?

A. Well, his feet were frosted before I had him in charge. The latter part of the time I had him in charge; I cannot say as to the first part of the time.

Q. By Mr. Cattell. Is that the only case of punishment that you know of?

A. I can tell you J——n's punishment was much more severe. The windows were blowing open. This I tried to remedy; I tried to put a stick underneath the sash; this I could not do. I then got a slat of a bedstead, and tried to shut it in that way.

Q. There were two of them in that place?

A. Yes, sir; they were under my charge.

Q. Were they very bad boys?

A. B——e I considered a bad boy. He had been a very good boy at one time, and was in the class of honor. He

was in the lock-up when assigned to me; and he was a bad boy while he was with me.

Q. Do you think his punishment was inadequate to the offence?

A. A portion of it was before the boy came to me. J——e did very well while he was with me, until he commenced running away.

Q. By Mr. Stokley. What excuse did he give for running away?

A. He stated he was whipped.

Q. By whom?

A. By the President. Whipped by him for a school offence, that did not come under my notice.

Q. Did Major Smith ask you to fold up a piece of paper and ram it in the window to keep it shut?

A. Yes, sir; but the wind blew so strong that it would not keep it shut.

Q. Did Major Smith leave at that time?

A. He did not leave the first two weeks; the Major was away after that time.

Q. Was it warm weather while the Major was away?

A. No, sir; I considered it cold, freezing weather. It was in December, this time, about two weeks before he absconded.

Q. Had the boys always conveniences to attend to the calls of nature without going down stairs? I mean were there any such conveniences in the room?

A. Well, yes, sir, they had sometimes, if we took the pains of putting it in the room for them. I got it (a bucket) for mine.

Q. You always put them there for the boys?

A. I did.

Q. Were there any disinfectants used?

A. No, sir, not in my room; it was not necessary. I cannot speak for others.

Q. What did Mrs. Lewis tell you in reference to the boy F——r? Do you remember what your conversation was?

A. Yes, sir; I remember her conversation. I was absent the day he died. She told me that Major Smith came and got him up, and talked to him. She thought it was from excitement he got to go at all, and also that the Major was by, and remained by her until he (the boy) was ready, and he took him with him.

Q. By Mr. Martin. Did you ever see the lock-ups in the infirmary building and other buildings of the College? And if so, describe their locality and condition.

A. The lock-ups in the third story of the infirmary, I have seen them all. I consider them very cold and uncomfortable. In hot weather they were not fit for any one to be in; they were too hot.

Q. Were they fit to be in in cold weather?

A. I do not consider them so, they are entirely destitute of heat.

Q. Were you ever in the lock-up in No. 2?

A. Yes, sir; I have been there. The rooms were larger, and there was some heat there. The windows were not barred.

Q. How long have the rooms been used in No. 2 as lock-ups?

A. I cannot give the date; I think not longer than six months; I cannot say for certain.

Q. Were there any means of ventilation in the lock-up in No. 2?

A. Only the windows. The rooms where they were confined had formerly been used for dormitories.

Q. On an extremely cold day, could there be any ventilation in the rooms except by opening the windows?

A. No, sir; not in the rooms. I do not think there could.

Q. Did you know of the boy by the name of N——r being confined in the lock-ups and kept there for three months?

A. I know N——r was there for a great length of time. He was not under my immediate charge.

Q. What was the condition of his health while there; good or bad?

A. He was always considered a delicate boy before he ever went up into the lock-up.

Q. Please state your recollection of the conversation you had with the nurse after the death of the boy F——r?

A. She said it would be a lesson to Major Smith not to take boys out of the infirmary again.

Q. Did you ever converse with Mrs. Lewis about the lock-ups? and did she ever complain to you of the severity of the treatment of the pupils confined in them?

A. She has; concerning the length of time they were there, as being too long.

Q. Did she ever speak to you of the marks upon the boy who had been sent to the infirmary for treatment?

A. I do not recollect what boy.

Q. Upon any boy?

A. I do not recollect that at all.

Q. What is your opinion as to the effect of the bread and water, upon the health and strength of the children punished in that way?

A. I do not think it was very good for them.

Q. You do not think it was proper nourishment for them to have?

A. No, sir.

Q. If you had had the proper control of this boy N——r, would you have put him in the lock-up in the condition he was in?

A. No, sir, I could not.

Q. Say the offence was heinous?

A. Not for any offence; not for any length of time.

Q. You do not think he was in a fit condition, as to his health?

A. No, sir.

Q. Have you ever seen boys, after a protracted punishment, in the lock-ups? And if so, please state their condition? Or the state of their health?

A. I have known boys to be put there for a great length of time, and when they were brought out they would look very pale. N——r was one; some of the boys have been expelled since that.

Q. How long had these boys been kept there?

A. I cannot state the time; I know for a long time, H——t was one that was there. He was there several weeks; he came out of the lock-up in a very bad condition indeed; and I suppose had to be sent to the infirmary. He was in the infirmary I know, and was not fit to go to school. I spoke to the Doctor once about him. The nurse, Mrs. Lewis knew he was bad, and she wanted him to leave the College and go to the country for a time. The Doctor did not think he would ever rally; he needed a change of scene, air, and diet.

Q. Do you think his health was affected in this manner by being in the lock-up?

A. His was considered so.

Q. By Mr. Stokley. Who had charge of this boy N——r, when he was in the lock-up?

A. He was under the Prefect's charge at the time. It was only a year ago that that was changed, and the Governess took charge of the boys in the lock-ups; I could not say who had charge of him.

Q. Do you know of this boy's being ever taken out, and sent down to the woods?

A. I never heard of it.

Q. Do you know anything of the boy N——r, of your own personal knowledge?

A. Yes, sir; I have seen him in the infirmary; did not see him in the lock-up myself.

Q. You know nothing of it personally?

A. Only what I heard from others.

Q. You heard that when called to attend to other boys?

A. Yes, sir.

Q. By Mr. Martin. Do you know anything of the case of the boy S——n?

A. I know he was sick, I know nothing further than what I heard myself; I know he was kept in room No. 3.

Q. How do you know that?

A. I saw him there myself.

Q. Did you see any marks upon his back?

A. No, sir, I did not examine him; he slept upon the third floor of No. 3; I saw him going up and down stairs.

Q. Did he ever make a statement to you of his ill-treatment?

A. No, sir.

Q. He never made any statement to you?

A. No, sir.

C. R. MORGAN, M. D.

Sworn Reporter.

December 20, 1867.

Dr. Henry Yale Smith, sworn.

Q. By the Chairman. You were a Director of Girard College?

A. Yes, sir.

Q. During what year ?

A. I was elected in 1860, and served for three years ; and was re elected in 1864, and served until last July ; making in all six years under Mr. Smith ; three years and six months of the time under President Allen. President Smith was elected just before my first period expired.

Q. Then you were there three years of Major Smith's term ?

A. Yes, sir ; I was a member of the Board when Major Smith was elected, and my time expired immediately afterwards.

Q. By Mr. Tyson. You were a member of the Committee on Discipline and Discharge ?

A. Yes, sir ; for the last three years when I was there.

Q. Do you know anything about the case of G—— B——d ?

A. Was that the boy that was charged with being whipped ? I do not think that I recollect the name exactly.

Q. Were you present at the meeting when the matter was brought before the Committee ?

A. Almost every Committee day some of the matters of discipline were brought up. The reason I do not recollect it is, that I require something of the kind to fix my attention, and that it was usual for mothers and nearest friends to be brought before the Committee.

Q. Do you recollect the reason why they would not expel this boy for the crimes he had committed ?

A. Well, I really cannot say positively ; the reason is, I cannot fix in my mind this particular boy ; there were a number of boys brought up for absconding and larceny. I recollect where the mother and sister behaved in such a manner that the Committee refused to discharge the boy. I recollect the time, and the manner in which they refused to consent to expel him, but I do not recollect the boy's name.

Q. You think it was on account of the mother's improper character. Was that the reason why they refused to let him go back under the charge of his mother ?

A. I really cannot say ; my mind is rather muddled about this case. I recollect some of the circumstances ; and one thing distinctly was, that the Committee was unanimous in refusing to allow this boy to be discharged to go back to his mother.

Q. Do you recollect of the Committee's examination of his person? Do you recollect that?

A. Well, I think the Chairman was there. I think Mr. Foust.

Q. Do you recollect that this boy had been severely whipped, and the Committee examined him?

A. Well, the Committee unanimously acquitted the Major of any such charge. I recollect, distinctly, the charge was made, and it was found that there was no truth in it at all. I furthermore made some inquiry, I think, from Mrs. Lewis, who is in the infirmary, and she denied that the boy had been whipped, as represented. There was no evidence to my mind that the boy was whipped, as represented.

Q. Did you ever hear of this boy's feet being frosted?

A. I never heard of that.

Q. Do you know anything about the boy S——l S——n?

A. What was this case?

Q. As reported being whipped by S——n, one of the Prefects?

A. That occurred before I went back the second time; although, when I became a member of the Board, the matter was discussed before it freely, and S——n was sustained. I know that there was some dispute about the matter; and I recollect, distinctly, having voted to sustain him. There was an effort made to dismiss S——n; I could not see the justice of it; and, upon inquiry, I could not satisfy my mind that he had whipped him (the boy), as represented.

Q. Was the case reported by the President to the Committee?

A. Yes, sir.

Q. Was it finally passed upon by the Board?

A. Yes, sir.

Q. Did the Board sustain the President for what had been done?

A. Yes, sir.

Q. By Mr. Wagner. Do you remember what became of the boy?

A. I do not, sir. I have to say, that while a member of the Committee on Discipline and Discharge, that I attended nearly all its meetings, and almost everything that was done was referred to the Committee. I was present and knew about it.

Q. It has been said that the Major was harsh and severe to some of the boys. We should like to know whether you know anything as to the matter; and whether any cases of harsh treatment of boys, or of their being in the lock-ups, for an unusual length of time, were reported to the Board?

A. I never found out anything of the kind; on the contrary, I found him very kind to the boys, and everybody always spoke well of him. I know of charges being made before the Committee, but I do not know of a single instance where the Committee on Discipline and Discharge did not sustain the Major in everything that he did at that time.

Q. Was the College well managed, generally, in the different departments, while you were a member of the Board?

A. So far as I could judge, yes, sir.

Q. Was there ever any complaint brought before the Board?

A. No, sir. I never heard a single word of complaint brought before the Board against Major Smith. The Matron, on one or two occasions, mentioned to me about the inability on her part to get certain things done; such as the beds emptied, when they became a little unclean from the boys lying in them at night; I asked her to attend to them; she said she had applied to the Steward frequently to empty these beds and the Steward paid no attention to her request. She told the workmen about there that they needed emptying, that they were in a filthy condition, and the workmen told her that they were not authorized by the Steward. She said she would complain to the President about it, and they give her to know that they did not care for the President, that they were not under his control, that Mr. Hartley was the boss. She then applied to the President, and she informs me that the President sends a respectful note to Mr. Hartley asking him to do thus and so, and no attention was paid to it for some days, and she said the President wrote again, or spoke to him (the Steward) about it. There was a disposition to throw every obstacle in the way that they possibly could. I saw, latterly, during the last year or two, especially, a disposition to take the power and management of the institution out of the hands of the President, making him responsible for everything, and giving him no power or control.

Q. By Mr. Wm. F. Smith, Chairman. Is your idea that the President had full control of the College?

A. Well, he had until the last year or more, when a resolution was offered to the Board taking from him the power to appoint certain employés about the institution.

Q. I spoke more particularly of the general supervision of the whole College. He had the superintendence of everything there. Did he not?

A. I believe there was a disposition, within the last year or eighteen months, to hold him responsible; at the same time to interfere and control him as much as possible in the appointments. They objected to his having certain duties to perform, and objected to his naming employés, and yet held him responsible for the action of those employés.

Q. How were the Prefects and different officers elected? Were they not elected by the Board?

A. At first Prefects were appointed by the President.

Q. Do you know when that new rule was first used?

A. I cannot say positively when it was first used; but I think it was shortly after Major Smith took charge there. Then I think the Board give him power to appoint all employés.

Q. Then it has been the rule heretofore with the Board to make its own appointments?

A. I am under the impression that the President always had the power to appoint, and that he referred the appointees to the Board, and that they confirmed them; and this is the way I understand it is done now. There were some objections made to his appointing.

Q. Mr. Stokley. I understand you to say that you were a Director under Mr. Allen?

A. Yes, sir.

Q. There was a certain set of rules at that time, was there not?

A. Yes, sir.

Q. Well, after Mr. Allen went out, and Major Smith was elected President, what became of the rules under which Mr. Allen had controlled the institution?

A. I believe the Board altered those rules in a certain measure.

Q. Did not they suspend the rules altogether?

A. I am not prepared to say that they did; I know the rules were altered. At that time I was on the Committee on Accounts and Library, and had no chance of judging.

Q. Were not the rules altered so as to give the power to the President?

A. I am not aware as to their having taken the power entirely out of the hands of the Board. I was always under the impression that the Board claimed the right to confirm the appointments.

Q. You say that within the last eighteen months there was a disposition to restrict him? Were not the rules similar to those under Mr. Allen? These new rules which they have found it necessary to adopt?

A. I am not prepared now to say what the rules were under Mr. Allen.

Q. What appointments did the Board seem disposed to take away from the President?

A. Well, in the first place, the Board took away from the President certain employés about the place, and gave them under the charge of the Steward.

Q. Had they not previously, under Mr. Allen, been under the Steward?

A. I am really not posted as to the rules under Mr. Allen. I know there was a change made.

Q. Are not the Prefects who are there now, there by the appointment of Major Smith?

A. I am not prepared to say that they are. Some of them were elected after Major Smith's time, and possibly they all may be, sir.

Q. Those that were elected, were they not appointed by Major Smith?

A. They were, so far as I know of.

Q. These laborers who were taken away from the Steward and given to the President, were they not put back again into the hands of the Steward?

A. Well, I was going to say there was a disposition to take away from the Steward the power to appoint.

Q. I do not understand what you mean by the disposition to take away power?

A. When they were confirmed, they were confirmed by the majority of the Board.

Q. Does not that prove that that was the disposition of the Board?

A. That was the disposition of the majority.

Q. You mean to say that it was the disposition of the minority?

A. Yes, sir; they could not act while they were in the minority.

Q. The disposition of the Board was, (if I can understand you,) to sustain the President?

A. The disposition of the Board, up to a certain time, was to sustain the President, but finally they did not sustain him.

Q. In what particular case did they not sustain him?

A. The Board did sustain him in almost every case, while I was there; yet there was a disposition with the minority not to sustain him.

Q. The majority might have had a disposition the other way. What I want to get at was, where the Board in any way manifested a disposition to act contrary to the President's wishes?

A. Well, I cannot name where they did. I say to you that the Board, as a general thing, sustained him almost unanimously up until a year or eighteen months ago, then there was a disposition which showed itself to the contrary, in taking powers from him. A resolution was offered—aimed at him—not allowing him to be present at the meeting of the Board. The next was the taking from him the appointment of the employés. Then, again, there was an attempt made to prevent him from being present when the Committee on Instruction examined those who were applicants for appointments. They would not allow him to see who was qualified and who was not qualified. I recollect it showed itself, for the first time, in the case of Professor Corson. I discovered that certain persons were opposed to taking his recommendations; they thought that the Board were the proper persons to say who should be qualified and who should not.

I recollect when Professor Corson resigned, and another gentleman was elected. The matter, after having been published for a length of time, and different applicants presented themselves, the question arose as to who ought to be the judge as to the qualifications of these persons. Some one proposed that the President should examine them. One person opposed the President's examining them, and said that he thought that the Committee on Discipline and Discharge were the proper persons to examine candidates; and it was after a good deal of difficulty on the part of Mr. Lex, and some sun-

dry motions, that at length they did allow the President even to be present; that is what I speak of.

Q. Who conducted the examinations upon that occasion?

A. I do not know who conducted them.

Q. Was that examination not conducted by Major Smith?

A. Finally it was agreed upon that he should be called in. I presume he was called in.

Q. The rule that you spoke of particularly prohibited the President from being present after he had made his usual monthly report. Was not a similar rule in use under Mr. Allen? Was he not present only when he presented his reports?

A. I was not aware that there was any rule compelling him to be present, (that is President Allen,) nor was I aware that there was any rule prohibiting him from being there.

Mr. Arey said these rules were similar in almost every respect under which the College was managed.

Q. During the time you were connected with the management of Girard College, where were these lock-ups?

A. Well, sir, the lock-ups were usually up in the third story. I believe I was never in them.

Q. The third story of which building?

A. I am not prepared to say that, because I was never in the lock-ups.

Q. Then you really do not know anything about the lock-ups? So you could not tell whether the boy had his feet frosted in the lock-ups?

A. No, sir; I never heard of it.

Q. If there was anything said about it, would it not have been your duty to have known what it was? and if there had been such a thing as a lock-up, should you not have known it, as a member of the Committee on Discipline and Discharge?

A. I never heard of any boys having had their feet frosted. I do not know whether it was my duty to know whether there was a lock-up or not.

Q. Were none of the boys ever brought from the lock-ups to be heard before the Committee on Discharge and Discipline?

A. I presume there were; but it did not follow that I should examine the lock-up.

Q. There was no charge made of any cruelty in these lock-ups?

A. I know of none.

Q. You say that this unanimity of sentiment for sustaining the President continued up until about eighteen months ago. Have you any of the alleged reasons why the same (unanimity) or former action of the Directors towards the President did not continue? Was there any cause given for its cessation?

A. I would say, so far as the Committee on Discipline and Discharge was concerned, there was no dissenting voice.

Q. So far as the Board of Directors were concerned, you say there was a change of view, that is, against the President, from the fact that there were some dissenting voices, as they wanted to restrain him with regard to the appointments?

A. They took every power out of his hands.

Q. I want to know whether you heard from any of these gentlemen any of the causes that induced them to do it? Whether they charged inattention upon President Smith, or whether he was incompetent for the position he occupied, or failure to carry out to the full extent of their understanding everything that the President of the College ought to do? Because, with the Board, it would seem to me, as it would be in our City Councils, that there you would always hear some expression among those that were associated with us, and if there was an opposition, we knew what caused that opposition.

I want to ascertain whether, among the members of the Board, there were any allegations made or reasons assigned for this feeling?

Why I ask this is simply this: Mr. Coleman, who was a Director, and who voted against the dismissal of Mr. Smith, reported in Councils that he had been met in the street by a person who said they were going to turn out Major Smith; that they had counted noses, and that they were going to do it, and wanted to know whether there was any feeling in regard to Major Smith; whether they had lost confidence in him; because, I would presume, there would be some reasons that would be given?

A. I will say, sir, not in that way, a single member making a single charge as to his incompetency or cruelty; but, notwithstanding all that, I can say, there were certain persons

who were opposed to him, and who came into that Board with a view of removing him.

Among the charges which I heard, which were circulated about, was as to his disloyalty. I took occasion a dozen times to disprove that fact of disloyalty; and, I think, about two or three months before my time expired, a member of the Board got up and made quite a lengthy speech. He spoke of this disloyal element which should be removed, and that there were too many tender minds.

Q. By Mr. Littleton. Was there not a disloyal element there?

A. I was not aware of it.

Q. Did you consider the President of the Board a loyal man? (Mr. Vaux.)

A. Mr. Vaux was not a member of the Board at the time. There was not a single Democrat in the Board; although I do not mean to say they (Democrats) are disloyal.

Mr. Littleton. I do not mean to say that, either.

Q. By Mr. Wagner. What time did you speak of?

A. I speak of April, or March; every one of the Board were Republicans. I said to Mr. Lex, who sat at my right, that "that was a slap at the President;" because I had heard that over and over again. He spoke of the flag not being raised when certain victories were proclaimed, and everybody here rejoicing that the institution had no flag, and all that kind of talk.

Q. Who was that gentleman? Mr. Fry?

A. He did not mention any names especially.

Q. Was that a fact, that it (the flag) was not raised?

A. I have seen it raised a dozen of times. I am not prepared to say it was not raised.

Q. Where were these complaints made of its (the flag) not being raised?

A. I have heard it upon several occasions.

Q. Have you not heard it frequently?

A. I have, sir; but I was satisfied it was asserted when it was not true.

Q. Was not that the simple fact whether it was or was not raised?

A. I made inquiry from, I think, the President.

Q. Did you ever make inquiry from anybody else?

A. I did not, sir.

Q. You never inquired whether it was a fact, outside?

A. I have been met in the streets a dozen of times, and I have been informed by members of the Board, by Directors, that the flag had never been raised but upon one occasion, and I replied that I had seen the flag raised a dozen of times. I was not prepared to say that it was raised upon every occasion, because I was not there at all times. But when speaking to the President, I have been told there was something the matter with the flag-staff, or that the flag was torn. I was met in the street by a gentleman who said that a member of the Board of Directors of the College said to him, at the corner of Sixth and Chestnut streets, that he commented or said to him, or others standing at the corner, (I don't know whether the conversation was directed to him especially,) "That he was going to raise a subscription for a flag to be used at Girard College, and that there was nobody but Copperheads at the College." He spoke to me about it. I told him there was not a word of truth in that; that the flag had been raised upon several occasions, and that if the gentleman would raise a subscription to purchase a flag, he would do it without the sanction of the Board of Directors; that he had no occasion for such action.

Q. Were you there on the occasion of the celebration of the Gettysburg Cemetery dedication?

A. I do not think I was.

Q. Were you there in 1864?

A. I was there in 1864.

Q. Do you know whether the flag was raised at that time?

A. I am not prepared to say, sir. I think I was not there in 1864.

Mr. Tyson. You were there.

A. Upon that day I do not think I was there.

Q. Do you know anything about a caucus being held to remove Major Smith? Was there any caucus held about that time?

A. I was not in the Board at that time, sir.

Q. About two or three years ago. I ask him if he recollects at any time of a caucus being held?

A. I recollect, about two or three years ago that there was a caucus.

Q. What was the purport of that caucus?

A. Well, the caucus was called, as I supposed, to take ac-

tion upon the removal of the Matron and Steward. We had a number of meetings the first year. Then it went over; neither Matron nor Steward were removed. That was the first thing we heard after the party got power, and although they had resolved in that caucus to remove them (the Matron and Steward).

Q. The Matron and Steward?

A. Yes, sir; although they failed in agreeing upon parties to fill their places at the time.

Wm. F. Smith, Chairman. I suppose the object of Mr. Tyson is to ascertain whether at that time there was any contemplation to make the removal of Major Smith. Was it in contemplation that you know of?

A. Well, that was not advocated. I recollect a gentleman, Mr. Cummings, who happened to say, casually, upon an evening just before we adjourned, "That it might be well to have a committee appointed to inquire into the propriety of having a change in the Presidency." That did not appear to have any effect; did not meet with favor with any of them.

Q. By Mr. Stokley. Where was this caucus held?

A. It was held at Mr. Simons' house, on Girard avenue.

Mr. Tyson. It did not appear to meet with any favor at that time; when was that?

A. That was in 1864, or 1865. The first year our party got power at the College. I think it must have been in 1865.

Q. By Mr. Littleton. How long have you been a Director in Girard College?

A. Six years.

Q. When were you first elected?

A. In 1860.

Q. You served until 1866?

A. I served until July, 1867.

Q. Of what Committees were you a member?

A. The first three years I was a member of the Committee on Library and Accounts; for the second three years I was appointed a member of the Committees on Library, Accounts, and Discipline and Discharge, and one other Committee—I believe, the Printing Committee.

Q. How often were you in and about the College?

A. I believe I attended pretty regularly the Committee on Discipline and Discharge; I do not think I lost more than two or three days during that time.

Q. Did you ever visit the Household Department?

A. I was in and about the College, going there occasionally.

Q. How often did you visit them?

A. Probably once in two or three months.

Q. Did you ever go through the schools?

A. Very seldom, sir. Not being on the Committee on Instruction, I did not do so.

Q. By Mr. Stokley. You were a Director of the College at the time Mrs. Linn was dismissed?

A. Yes, sir.

Q. What was the cause of her dismissal?

A. Well, sir, I recollect the Committee on Discipline and Discharge met one afternoon and the President showed the Committee an impertinent note from Mrs. Linn, and I think he had stated to the Committee that she had shown some impertinence before, and the Committee recommended that he should discharge her. Mr. Vaux was on that Committee, and I am pretty sure Mr. Foust was there.

Q. What was the cause that drew forth this note from Mrs. Linn?

A. It appears there was some dispute between the Matron and her, as regard to certain linen. She objected to some patched linen that was upon her bed. It appears the Matron had been in the habit of using some corrosive sublimate to mark her linen, and instead of marking it Girard College, she was in the habit of putting her own name upon it, and this corrosive sublimate had eaten the linen through. The Matron herself had this patched neatly, and placed the name of the College upon it, and I understood Mrs. Linn took offence at it.

Q. Was not this change of linen after the time she went to the front and brought the body of her son on?

A. I do not know anything of her going down to the front and bringing up the body of her son.

Q. Do you remember the time of her dismissal, how it took place? It has been asserted that she was dismissed peremptorily, and her trunks put into the passage-way, and she was directed to go out.

A. I recollect at the time of Mrs. Linn's calling upon me, and she made the same impression upon me that she did upon other members, that she was governed by a good deal of envy and bitter feeling. She was very abusive in regard

to the President and those who had authorized her dismissal. But when she was re-elected again I think I was the only one that voted not to re-instate her, and I think that Mr. Boswell was the only one who voted to sustain her in the first instance. I think the Board, all but Mr. Boswell, voted to sustain the President.

Q. How did the Board stand politically at that time?

A. I think the Democrats had a small majority. I think the Republicans of the Board, with the exception of Mr. Boswell, voted to sustain the President.

Q. About the time this thing occurred (the dismissal of Mrs. Linn) did you ever hear the remark made by a Director of the College: "Now I have got clear of her I will now go after that other b—t—ch; meaning the Matron?"

A. I never heard of it.

Q. Mrs. Linn was discharged previous to the Matron?

A. Yes, sir.

Q. By Mr. Cattell. Where did you get the information of the bed-clothing being patched? Did you get it from Mrs. Linn?

A. No; I got the information from the Matron.

Q. It is her version?

A. Yes, sir. I saw the note with regard to the patched clothing.

Q. By Mr. Stokley. Miss Mitchell, the Matron, was first removed, and then the remark was made in connection with Mrs. Linn?

A. I never heard any such remark.

Q. By Wm. F. Smith, Chairman. The reason why these questions take such a wide range is, that this Committee having been appointed for a specific purpose, had referred to them several other matters, and therefore we are compelled to go back in reference to the management of the institution.

Q. By Mr. Cattell. Was Mrs. Linn ever invited to come before the Board to make any defence?

A. I do not think that she was. When this note was shown to the Committee on Discipline and Discharge, I am sure that the entire Committee that was present agreed that she should be dismissed forthwith. It had been stated that she had been warned upon a former occasion when she had been impertinent to the Matron; and it was understood that she had been warned to keep herself within bounds or she would

be dismissed ; and then these notes coming from her, showing her impertinence, the Committee authorized the President to dismiss her forthwith.

Q. Had she been warned by the Committee ?

A. I think not.

Q. Who was she warned by ?

A. I understood the President warned her.

Q. The Committee did not inquire into the subject ?

A. I do not think the Committee made any investigation. They merely had the statement of the President and Matron. They looked upon her note as a cause. I presume if the note had not been there the Committee would have made inquiry.

Q. Do you not think that the Committee would have done more justice if they had made inquiry ? According to your story the Board done with her as the Board has now done with the President.

A. I think we did wrong. I think they did wrong also. The only thing that governed me in giving my vote in the matter was the information of the President and Matron. We had no reason to doubt the charge that she had been very impertinent. And here was her own note under her own signature.

Q. By Mr. Cattell. Suppose you had the statement of the President and Matron, both respectable persons ; suppose you had heard a statement from these persons, that this lady had committed larceny ; would you consider yourself justified in condemning her without an examination of the statement ; is not this a case in point ?

A. Well, I am free to say, that it would have been better to have done otherwise ; I am not disposed to justify any hasty action. As I say, the only thing that induced me to vote in the matter, was the note, and probably if I had thought of the matter, I might have insisted upon an investigation. And her note was so impertinent it led me to believe that there could not be a particle of doubt in the statement of the Matron.

Q. Mr. Cattell. What I wish to get at was, there might have been a cause for the impertinent note, as it might also occur in some cases in your life as in others ; judging from others generally ?

A. Well, I am free to say you are right there ; whether right or wrong, the Board sustained the action of the Committee on Discipline and Discharge.

Q. By Mr. Littleton. Did you vote for the dismissal of Miss Mitchell?

A. I did not.

Q. You voted against it?

A. Yes, sir.

Q. Had she any hearing in the Board?

A. No, sir.

Q. Had she any notice of the dismissal?

A. Not until she was dismissed.

Q. She had no previous notice of her intended dismissal?

A. I am free to say, I was very much surprised when the motion was made to affect it.

Q. Who made that motion?

A. Dr. Nebinger; I think.

Q. Who were in power; the Democrats?

A. Yes, sir.

Q. All the Democrats voted for her dismissal?

A. Yes, sir; and two Republicans.

Q. Do you recollect who they were?

A. Not exactly. Mr. Welsh voted for her dismissal, and Mr. Devine. Then immediately upon the resolution being passed to vacate her position, they instantly placed in nomination, Mrs. Robinson; and I placed in nomination Miss Mitchell again; all the Democrats voted for Mrs. Robinson, with the addition of Messrs. Welsh and Devine. Mr. Devine, to do him justice, did not vote to remove her. But when she was removed and put in nomination again, he voted for Mrs. Robinson in preference to Miss Mitchell. The other four Republicans voted to sustain Miss Mitchell; Messrs. Boswell, Foust, and—I forget the other gentlemen,—myself and Mr. Heaton.

Mr. Stokley. Mrs. Robinson was a relative of Mr. Devine?

A. I do not know, sir. I understood they were members of the same church, and on very friendly terms.

Dr. George W. Nebinger, sworn.

Q. By Chairman. You were a member of the Board of Directors of Girard College?

A. Yes, sir.

Q. During what years?

A. Well, I went into the College in 1856, and remained there nine years with the exception of one year. I mean nine consecutive years except one.

Q. How much of that time were you under Mr. Allen, and how much under Mr. Smith?

A. Part of it was under Mr. Allen, and the rest under Mr. Smith. I think the larger part was under Mr. Allen.

Q. What Committees were you on when you were there?

A. I was on the Committee on Library, the Household Committee, and the Committee on Discipline and Discharge.

Q. What years?

A. I do not recollect the years exactly. I was seven years the Chairman of the Committee on Admission; most of my labors were confined to that Committee, sir.

Q. What was the general character of the order and discipline of the College, under the two Presidents? Was there any difference?

A. Well, there might have been some difference; I do not know that there was much difference. During part of the time that Mr. Allen was President, there was a conflict between him and the Matron, and that interfered somewhat with the discipline of the institution, and I do not know but what at one time, there was no communication between them.

Q. Who was that?

A. Miss Mitchell and Mr. Allen. There was a conflict there, but the discipline of the College was about the same under Mr. Allen as it was under Mr. Smith; I do not know but what it did not improve a little under the authority that was given to Mr. Smith. At one time, I have heard that he went backward, and that the authority of the College was not so good after he left. I do not speak now of my own knowledge—I think it was after holidays—there would always be some difficulty in the College, some absconding, and such as that; but after holidays there would be more or less running away and difficulties with the boys; that occurred, I think, all the time I was in the College, during the whole nine years I served there, and it has occurred now and again. The Committee on Discipline and Discharge, I think, asked the advice of Mayor Henry as to placing several of the boys in the House of Refuge, to see if that would not terrify them, and after this I think the discipline of the College was somewhat better.

Q. In whose time was that?

A. That was under Major Smith.

Q. By Mr. Tyson. You were a member of the Board at the time when President Allen resigned, were you not?

A. Yes, sir.

Q. While Mr. Arey was President, were you there?

A. Yes, sir.

Q. And when Major Smith was elected?

A. Yes, sir.

Q. You remember the time when Major Smith first came to the institution? It has been said that Major Smith was harsh; do you know anything about that, or about the locking up of the boys?

A. Yes, sir; I think the Major had the privilege of locking the boys up. He had tried a great many plans to induce them to act correctly, and sometimes plans failed; and, gentlemen, it is not wonderful that plans did fail in that institution. I say that I was a member and Chairman of the Committee on Admission for seven years, and that I visited, myself, the parents of the children that came into the College; and we took the boys from the lady, and good mother, down to the strumpet and the lowest character in society. We took the boys from every place—from the cellars, where the mother was lying drunk upon the floor, and from better dwellings, and where there was a more purified atmosphere than there was in the dirty cellars—we took them from mothers who desired to get rid of their children that they might violate their chastity. We had those kind of characters all there; we had that diversity all through the institution.

The first difficulty that I heard that occurred, when President Allen resigned—and he need not have resigned at the time that he did; he could not have been put out at that time, there were not votes enough in the Board to put him out, and yet it was a Democratic Board. And they complained of President Allen's letting the College tide along. That the *per capita* of the boys ought to be reduced and the number increased. The Committee on Reform prior to that time had been instituted, and they asked him in regard to these matters, and he agreed that many of them were useful, and they endeavored to put them into active operation, but they had not, sir, the entire co-operation of the employés.

Miss Mitchell replied, in a letter to the President, that there were certain reforms that she would not carry out, and President Allen reported that letter with a recommendation that if she would not carry them out for President Allen, that some other party ought to be able to carry them out; and it was upon that recommendation that the motion was made to remove Miss Mitchell, so that we could get a lady who would enter into the spirit of progress and would co-operate with us, and we thought we did succeed in getting such a person, without regard to anything but fitness on the part of the lady.

Well, after Mr. Allen resigned, he found the Board was going to give the President who succeeded him full powers, and hold him responsible for all acts and all violations, and at the same time let the common law of the College rule. This was agreed upon. President Allen said, in his remark to Mr. Remak, when leaving the College, that if he had such powers granted to him he would have made the institution more than it was the day he left it, and believed it had within it all the elements to make it a greater and more useful institution, and if he had had such powers he would have been able to have made it such. He had hinted at that time that his powers were confined and contracted, and upon that hint alone the common law alone was used, and the President was held responsible for the acts, and the Board of Directors then became nothing but a legislative body, legislating as the President recommended.

Mr. Arey was, by my motion, made President *pro tem.*, until his successor should be elected, and Mr. Arey made a very efficient President. He worked hard; he worked very hard, sir. I was his special friend in the matter, and at one time there were sufficient votes to have made Mr. Arey President.

But he did a thing like this, sir; and were he twice my friend, I could not have voted for him after he did it:

There was a poor fellow working in the main building cleansing the building, whom President Allen and his good lady went after to see whether the charges that some of the teachers and professors made were correct, and President Allen and his wife said that the College never was kept in as good order as it had been during this man's stay there.

Mr. Arey sent for me one day, and told me that he had a difficulty with the small-pox cases in the institution, and he

wished this man—McS—a was his name—to help him. This was the man who was, after several ineffectual attempts to get a man, found by me, and brought to the College. The matter was not in my hands, but was referred to me. I took him there, and he refused to help the Matron and President in isolating the small pox cases in the infirmary.

I considered that an act of insubordination. Mr. Arey says: "What shall I do with him?" "Dismiss him at once," said I; "you can have no men in here who are insubordinate. Dismiss him at once." Mr. Arey did dismiss him.

There was another occurrence. The coachman, who was a very popular man around the institution, and a man whom I liked myself, but he had gotten drunk, and the horses of the carriage had run off and broken the tongue of the carriage; and, worse than that, he had advised one of the boys to go to Mr. —'s storehouse and steal a pair of boots for him. This occurred, and the boots were stolen, and were in possession of this poor fellow. He sent to me again, and asked what should be done. Said I, "It is very clear that this man should be discharged; he is worse than the example of poor McS—a." He told me "that he would not like to leave." But here is a man who teaches and urges them to steal, and he ought to be dismissed at once.

The next time I came to the College the coachman was not dismissed, and he said "he did not dismiss him," (the coachman.) I said, "Why? gracious alive! why did you not dismiss him?" His answer was, "I did not dismiss him because the people around the College think so much of him, and have appealed to me not to dismiss him." From that moment I made up my mind that I could not vote for Mr. Arey for President of the College, as he would be too much under the government of those already in the College; that he would let his sense of right run away with his better judgment, and I did not vote for him. I then knew of Major Smith. I knew of Major Smith through, I think, Mr. Welsh. Mr. Welsh was the first person. I do not recollect whether he was the first or not. I, however, had heard of Mr. Smith, and heard a good report of him; and, inasmuch as we wanted the institution to have a first rate President, I thought he was the man of all the rest to be voted for, and after Mr. Arey had forfeited my confidence, I told this to Mr. Arey myself, the reason why I could not vote for him; so it is not new to

him. I voted for Major Smith. It was in my power to have him elected, understanding, at the same time, that Major Smith's politics were not the same as those that I hold. The entire Board understood that.

Well, Mr. Arey held a room in the institution, and Major Smith wanted the room, and from the time that Major Smith applied for it, up to the last time I saw Mr. Arey, he has had a deep-seated prejudice against Mr. Smith.

He talks of him harshly ; and there is not a rumor that he hears that is against him that he does not give it circulation, or, at least, that he has not told it to me ; and I tell it to you, gentlemen, in justice to Mr. Smith, because I think it belongs to him, although I may have forfeited the friendship of my friend.

I remained in the College after the time that Major Smith came there a considerable length of time, and a little boy was whipped by A. S——n. S——l S——n was his name ; and the first complaints I heard were those in relation to this boy. This boy had been charged with being whipped severely, and it had been the cause of his illness. I went over myself to the infirmary to see the little fellow. He was a nice boy. He was taken into the College while I was Chairman of the Committee on Admission. I went over to see him, and talked with him, thinking that he would bring the subject up. I heard nothing from him ; he never brought the subject up.

Finally, there was considerable agitation about the President's discharging Mr. S——n ; the President being responsible for every persons acts, and the Board being only legislative. There was an investigation called, and the Matron said, on that investigation, that she had sent for the boy when she heard he was badly whipped, and the mother had charged that there were stripes upon his back, and could be seen that very day. She (the Matron,) sent for that boy, and had him stripped and put in a warm bath, and she declared to the Committee that there was not a single stripe to be seen upon his body, and yet it was rife throughout that institution that that boy had been cruelly beaten ; and that it was the cause of his sickness. The fact was, that he had been suffering from an attack of rheumatism, and that he was then suffering from that malady. After that they told me that there were all kind of characters made demands upon

President Smith to avoid having certain punishments inflicted upon their boys. I recollect one case. I went and told a mother I would go and ask him to leave the punishment of a certain case go; he told me that if he granted that request for me, that then the other Directors would ask for the same favor; and the boys hearing of it after awhile, it would result in insubordination; he desired to be just, and he could govern the boys better in that way.

These appeals to allow boys to go free, became numerous, and from that moment that he stood upon the rule he had enacted for all and not for one; from that moment he became unpopular amongst some of the Directors. I do not believe myself, Mr. Chairman, that there could have been nine men found in that College, that would have deprived the President of his place, had there not been other combinations depending upon that, and the combinations were these, sir. There were some in favor of the return of Miss Mitchell to her old post, and those probably were not in favor of Major Smith's removal, but yielded to his removal provided they would go in for reinstating the Matron; that is the manner in which I have understood this matter, sir; and I give you the history of it.

Q. Mr. Littleton. Were not more in favor of Mr. Allen, do you not think, at the time of the removal of Major Smith?

A. I was in favor of Mr. Allen myself.

Q. You give information as to the cause of the removal of Major Smith; do you not think the leading motive was the desire of the return of Mr. Allen?

A. I do not think so.

Q. Why would they do it?

A. To be available.

Q. Were you satisfied with Mr. Allen's administration?

A. I was satisfied up to the time. I tell you he left things to tide along; whilst I was not satisfied with the spirit of progression, residing and living with him, and belonging to him, I was not willing to make that institution a political institution and strike at him whilst he was willing to work with the Committee. I was not willing, and yet I was compelled to do so; yet they could not have induced me to do so under any circumstance.

Q. Would you vote to dismiss Mr. Allen?

A. No, sir. We got his hands tied in such a way that he

could not control the institution as he desired. I think the rules that were made were against him, and I think as he truly said, when he left the College—*i. e.* “If he had had the privileges that we proposed to give to the incoming incumbent he could have made it more than it was, for there was that within it that could be developed.”

Q. Do you not think some of their actions were calculated for the very purpose of forcing him to resign?

A. Well, I do not know; it might have been so, because speeches were made in the Board, complaining that the institution was not progressing; that there was not enough money paid him, and that might have induced him to resign; yet, at the time that he resigned, he was full of the intention of going to Congress, and became political in his notions, and looked rather to that than to the College.

Q. Was not there a resolution adopted cutting the salaries down?

A. There was a resolution cutting the salaries down.

Q. Was that aimed at him?

A. I think not.

Q. Mr. Tyson. It was previous to the war?

A. Yes, sir. It was not for the purpose of reducing Mr. Allen's salary so much as it was, I think, for the purpose of endeavoring to increase the number of orphans taken into the College.

Q. Chairman. Then when Mr. Smith was elected it was raised again?

A. Yes, sir; the salaries were increased after that thing immediately, as all the employés in the institution appealed to the Board to increase their salaries.

Q. Was that to bring them up to a war basis?

A. Yes, sir; it was to put them upon the same level.

Q. Mr. Littleton. Who was President of the Board of Directors at that time? Was Mr. Vaux President?

A. Yes, sir.

Q. Was he not opposed to Mr. Allen?

A. I think he was, because he was very much in favor of the spirit of progress; what he called progress, and which evidently was progress, because the institution went up from less than three hundred up to six hundred. That is, under Mr. Vaux, the institution took in six hundred at a *per capita* of one-half less,

Q. Was it not over-crowded?

A. No, sir.

Q. Were they just as well attended to as before?

A. Yes, sir.

Q. Had there not been complaints of that very excessive crowding of the boys?

A. The boys were not crowded. If Mr. Boswell was here he could tell you; I wish he was here. He made the purchases. He was Chairman of the Committee on Household. I was a member of that Committee, I think, for the whole term—about seven years. Mr. Boswell purchased everything that was purchased by that Committee. For my part, I would not consent to purchase anything for the Committee.

Q. Mr. Stokley. What was the amount of the deficiency created, and for what purpose was it created?

A. For these three hundred extra boys. The amount of deficiency I do not recollect.

Mr. Stokley. I know there was about eighteen thousand dollars deficiency.

A. The deficiency was caused by the fact of the Committee on Girard Estates not giving us as much money as we wanted. If they had given us the money we should not have had the deficiency.

Q. Did you not admit this number of boys by an act which you got through Councils, after they had made the appropriation?

A. We could not understand that we could have made a deficiency. No man could have foreseen it; and possibly you could not have done so, with all your wisdom.

Mr. Stokley. I do not pretend to have a great deal of wisdom. The deficiency was made before things went up so high. What year was this?

A. I do not recollect.

Mr. Cattell. In the early part of 1864.

Mr. Stokley. They had to stop the admitting of boys, so as to get within the income of Girard Estate.

A. No, sir! no, sir! During the nine years I was in the institution we had never taken a child out of the City limits, and during the time I was Chairman of the Committee on Admission, we run out both City and State lists.

Mr. Stokley. I mean only from the commencement, by putting in six hundred boys you ran the list out?

A. We thought that would be an advantage.

Mr. Stokley. You could easily run the list out in that way.

A. Then we had six hundred boys in the institution, with no corresponding increase of attendants. We had cut down the force so as to bring the expenses within the income. There were more boys to a class than there had been before. And instead of Major Smith's having to govern less than three hundred boys, at the time he went in there, he had to govern six hundred boys; and, Mr. Chairman, with all the prejudices of all the parties in the College against him; with all their prejudices, which he had to work against more than anything else; and I think was overcoming them very fast.

Chairman. What were those prejudices that you speak of?

A. I think they were simply those that generally arise among persons who are of a long standing in an institution, when a new person goes in to take charge of it.

Q. They were by the subordinates?

A. Yes, sir.

Mr. Stokley. Which ones?

A. I think pretty much all. There were a great many teachers?

Q. Do you mean to say there was a feeling for Mr. Allen, or were the teachers in favor of Mr. Smith?

A. Most of the teachers were in favor of Mr. Smith. I think that is true; but that belongs to Mr. Smith. We did not go outside of anybody else, and it was by his uniform courtesy and manner that he won them to himself.

Q. I understood you to say that the prejudice was against him?

A. That was when he first went there. I think the mistake we made was in taking the patronage out of the hands of the Board. You see, previous to that time, they (the Board) appointed all the employés in the institution. We took the patronage out of our own hands and placed it in the hands of the President, and from that time there appeared to be a conflict. Some of the members seemed to think they ought to have had the appointments.

Chairman. That would not affect the subordinates of the College; if they behaved themselves they were continued. How long after Mr. Allen resigned until Mr. Smith came here?

A. Six months. Mr. Arey was President in the meantime,

and I think he made a good officer. I have already told you the reasons why he was not made President.

Q. There was never an actual vote to make Mr. Arey President?

A. No, sir; it was talked of among the members. At one time there were votes enough to have made him President.

Q. Would he have accepted the Presidency?

A. Yes, sir, he would have done so. That evening that Major Smith was elected he called upon me, and he said he did not understand why he was not elected. I had not told him before my reasons. I then told him the reasons why he was not elected.

Mr. Littleton. Do you think Mr. Allen would have been dismissed if he had not resigned?

A. No, sir.

Q. Would he have been dismissed by the Board of Directors?

A. No, sir. There were not votes enough to have caused him to be dismissed. I was a warm friend of Mr. Arey. Although I was friendly disposed to Mr. Allen, I thought that his temperament rather disposed him to let things float and tide along, as it were, and I did not feel like voting against him.

Mr. Vaux was a warm friend of mine; two persons could hardly be warmer friends than Mr. Vaux and I were, and Mr. Vaux could not have induced me to have voted against Mr. Allen. I thought, the Democrats being in power, that it would have been wrong to institute anything of that kind.

Q. Was not Mr. Vaux violently opposed to him?

A. Yes, sir; I think he was violently opposed to him. I think he was inclined to make the institution progressive.

Q. Do you not think there was a desire on his part to control the institution himself?

A. No; I think not. I think he was ambitious to have it said, that under his administration the institution had progressed. I think that that was the only motive. I talked with him the evening he left the College, and walked to his home; and I think that he had pride in that way to have it said, that under his administration the College progressed.

Q. Do you know anything about the system of punishments that were in vogue here?

A. I do not know much about them.

Q. Did you ever hear any complaint of cruel treatment?

A. No complaints, save one.

Q. Since Major Smith's dismissal?

A. Yes, sir; Mr. Arey told me of a cruel case that occurred in the College; what he considered as a great cruelty.

Q. What was it?

A. Well, he said Major Smith forced that little boy with spinal meningitis into the chapel when he was hardly able to go; and, in consequence of it, the little boy died. That was one of the statements.

Q. Did you ever hear of any complaints from parents or friends while you were a Director, under Major Smith's administration?

A. I have heard complaints of this kind: That Major Smith would not let children stay out of the College over night; and that is all.

Q. I do not mean that, I mean cases of actual cruelty. I do not mean by Major Smith in particular, but by his subordinates?

A. Not except the case of S——n.

Q. Do you know anything of the system of lock-ups?

A. I know there is a room for that purpose in No. 1 and in No. 4, in which the President was allowed to lock up boys when he could do nothing else with the boys.

Q. Was there any limit to the time he was allowed to keep them in there?

A. I think not.

Q. Did you ever hear of any boys being kept there for thirty days?

A. I never heard of any boys being kept there for that length of time, saving the story I heard from Mr. Arey.

Q. Would you think it proper, considering the age at which the boys have arrived at there, to keep them for that length of time.

A. I would not like to give an opinion about that. It may depend upon the character of the boys. There are some boys whom it would not injure to keep them incarcerated for a lifetime.

Q. What would you do with these boys; dismiss them, would you not?

A. Well, there are great objections to dismissing such boys. It was a great question whether we could dismiss them;

whether the Directors or the City would not be held responsible for any acts they would commit. And then came up the question as to the House of Refuge. And then there are men there who had such feelings against the House of Refuge they preferred that the Major should go on with the system of incarceration.

Q. Was there any attention paid to them? To examining the lock-ups, to see whether they were improperly confined or not?

A. I have seen boys there, and, with their feet out of the window, hallooing to the boys on the play-ground. I have never been up there. I was not on the Committee whose duty it was to examine it. The Committee on Discipline and Discharge, I think, is the proper Committee to visit the rooms. If there were any cases of ill treatment they ought to be able to tell all about it, and all they had to do was to bring it before the Committee and have it considered, and they would settle it.

Q. Did you ever visit the schools?

A. Never on my own account.

Q. Did the President teach any class or instruct the boys?

A. I have never seen the President teach any class. I have not been through them frequently enough for that. I was not on the Committee on Instruction, and I do not know whether he did or did not.

Q. The President does not take charge of the instruction, does he?

A. During the time I was in the institution, President Allen at one time was requested to teach Moral Philosophy. He undertook to teach it, but failed.

Q. Do you not think the President of the College ought to take charge of some classes?

A. My opinion is that if he attends to the executive duties first-rate he will have more to do than he can well attend to; I think it needs an executive officer, a man who has the ability to execute, and that is necessary.

Q. Do you know anything about the chapel services; whether he has attended to these duties?

A. Yes, sir; I have seen him attending to this duty.

Q. Lecturing to them, delivering moral discourses, and so on?

A. I do not recollect ever hearing Major Smith talking to the boys.

Q. Did you ever hear Mr. Allen address the boys?

A. Yes, sir; I have heard Mr. Allen address the boys upon holidays, and such days like that, but at no other time.

Q. Do you attach any importance to the moral instruction of the boys on Sundays?

A. Yes, sir; there were, even before I was in the institution, invitations extended to different gentlemen to come to the College and preside on Sunday.

Q. Do you not think that is a duty that ought to be attended to by the President?

A. I cannot say that I do; I will tell you why. The political prejudices of men are strong, and their religious feelings are equally strong, and if these children were taught by a man with a strong leaning in one direction, if he was religiously inclined, he might go there and proselyte, and that is against the Will of Stephen Girard. There was the habit of inviting men of all persuasions, so that there was a diversity, and I think a diversity would be much better.

Q. Would not that doctrine prohibit all moral teaching altogether?

A. No, sir; you see the difficulty is, with us all, that we have a strong political bias, and we run into them, we do not stick to them.

Q. Is it not better to have a man that is responsible, and who can be dismissed in case he does attempt to proselyte? Ought not the President of the institution to be qualified to impress upon the minds of the pupils in such a way as to show to them that he is their instructor and guide, not simply by reading out of a book?

A. I think that ought to be done, but not in the chapel; and I think the President did that. I have seen him, when I have gone into the chapel, with a group of little fellows around him, asking them all kinds of questions. That instruction was very nice—I think it endeared the boys to him—but if he would go into that chapel and preach, and his prejudices are strong, and surely he would be proselyting then; there is no doubt about that.

Mr. Littleton. I can only testify from the actual fact that I never heard a man preach better than Mr. Allen, and I never heard a single sectarian idea from him.

A. Mr. Allen is a good talker. Jos. R. Chandler was invited to go there and talk, but was told before he went into the chapel that he must not talk sectarian views, and impress them with moral duty and the obligations they owe to themselves, to God, and society, and so forth.

Q. Did you know anything of the occasion of raising or not raising the flag?

A. I do not know anything about that. I heard it reported that the flag was not raised upon some days, and at others it was. I have seen it raised there. I think on one day it was not up, and the President was asked about it, and he said he had forgotten it.

Q. Do you recollect the time of the celebration of the dedication of the Gettysburg Cemetery?

A. No, sir; I do not recollect that. I knew it was not raised upon one occasion, from hearing it talked of; it was in the papers.

Q. Was it introduced into the papers?

A. Yes, sir.

Q. Did you ever make any inquiry as to what were the facts?

A. The reason assigned was, that Major Smith was either away or he had forgotten it, or something of that kind.

Q. By Mr. Wagner. Have you ever heard Major Smith's loyalty questioned?

A. Never, sir.

Q. Was the flag always in his keeping?

A. I think the only prejudice Mr. Vaux had against Mr. Smith was that he belonged to the singing club of the Union League. I think that was the only prejudice he had against him.

Q. Mr. Cattell. During the time you were in the institution, did you ever go into the lock-ups in No. 2; the building next to the College?

A. I never did, to my recollection; the lock-ups were over the infirmary. That was when I first went into the institution; we abolished the lock-up then, and the abscondings became so great that we really had to adopt and inflict harsh punishment, and in many cases it was the fault of the Directors; they would allow their sympathies, instead of their duty as a Director, to enter into the matter, and their sym-

pathies would interfere with the execution of their duties. The boys got to learn that, and we had difficulty in that way.

I was about stating a matter. I stated that Mr. Boswell purchased the materials, cloth and clothing for the institution. I was called away from that fact.

Now, at one time, directly after the new Matron came in, Mrs. Robinson, who was formerly Matron at the Alms-house, he purchased a quantity of clothing, tweed, I think, and the boys put it on, and from that sprung the cry that the fare was not good, and that Mr. Boswell had been purchasing Alms-house clothes, and that they had an Alms-house diet. It all arose from the fact that the Matron came from the Alms-house.

He (Mr. Boswell) thought it was a cheap bargain, and they were afterwards made up. It was a blue Kersey.

Q. Mr. Tyson. He did not think of the color?

A. No, sir; not until it had to be used.

Q. Do you know anything of mothers abusing the Matron?

A. Yes, sir; I know they did so. They told her she had put Alms-house clothes upon the children, or something like that.

C. R. MORGAN, M. D.,
Sworn Reporter.

December 27, 1867.

Mrs. Eliza Linn, sworn.

Q. Mr. Smith, Chairman. What position do you occupy in the Colloge?

A. Governess.

Q. Have you resided there long?

A. I was there seventeen years, when I was dismissed. I was reinstated last April.

Q. What was the cause of your dismissal, the allegation, Madam?

A. I was dismissed very unexpectedly; and when I asked the cause, it was said I was incompetent, but there were no charges brought against me for incompetency or neglect of duty. Major Smith sent, unexpectedly, for me to go to his office. I went over there. He said: "Mrs. Linn, I

have sent for you for the purpose of dismissing you." I said, "For what cause, Major Smith?" He said, "For incompetency." I said, "You know it is not so, Major Smith; you can bring no charges of neglect of duty." And it was three weeks, sir, after my son was killed in the war; just three weeks after I brought his body home from Fortress Monroe, and had him buried. I then said to Major Smith, "You have not the power to dismiss me: that is an action of the Board, according to the Rules of the College." He said, "The Rules of the College have been abolished, and he had full power to dismiss me." And there was something else, some other things stated, some other conversation; I do not know exactly what it was now. I asked him how long he would give me to go out? and he said, one week. That was on Thursday, the day after the meeting of the Board in November; and I received word from Major Smith to clear my room out as soon as possible, as it was needed next Monday; and I left on Tuesday morning—that was not a week after I was dismissed.

Q. What year was this in, Madam?

A. 1864.

Q. Have you, of your own knowledge, known any of the inmates there (the boys) to have been whipped? has it come to your knowledge?

A. No, sir, I have not. None of them (the whippings) have come under my personal knowledge.

Q. By Mr. Harper. Mrs. Linn, was there any reason given why you were dismissed?

A. No, sir; none at that time, none by Major Smith, but that I was incompetent, that was the only reason given to me.

Q. Did you not write a note to the Matron?

A. Yes, sir. I believe I said to her at that time that women had the doing of my dismissal; and then Major Smith said to me, "You wrote a note to the Matron?" and I said, "Yes, sir." I suppose I ought not to have done so.

Q. What was the tenor of that note?

A. Well, sir, I had a great deal of trouble that year, and I was obliged to be absent several times. The fifth day of that year I lost my daughter, the fifth day of January, 1864; and the following April I lost my mother. And when I was absent, things were taken from my room, and no reason given me why they were taken and not returned.

Q. Do you mean the furniture ?

A. Yes, sir, I mean the furniture. And when I returned from Fortress Monroe, I found a pair of pillow-cases, not my own, mine being taken and a pair of old ones left there. I was in a great deal of trouble at that time. I laid them aside, and said nothing about them ; but the next Saturday, I think it was, when I was in the section room with my boys, after my room was put to rights for the day, the girl was ordered by Mrs. Robinson to go in my room and take my pillow-cases, and other bed-clothes which she chose to take from me, and take them to her ; and the girl came down, and said she had been in my room, and had taken my pillow-cases and had left a pair there. I went up stairs, and suppose I was a little excited ; I sat down and wrote the note. It was written in this way, as far as I can recollect. "Mrs. Robinson, if the College cannot afford me better pillow-cases than these you have sent me, or left me, I will provide my own." Something to that effect.

Q. Was that the whole of the note ?

A. I think so. I did not take a copy of the note.

Q. Did you call upon Mr. Lex to intimate to him that you had a good deal of political influence ?

A. No, Sir ; I did not allude to any political influence when I called upon Mr. Lex. I called upon Mr. Lex when he was elected President of the Board. I asked him to restore me to my position again, and he said "I know nothing about it." I said to him, "Mr. Lex, I expect you to know something about it. Your character, as a religious man, stands high in the world, and I expect you to take up the cause of the widow, when she has been shamefully treated." Then he said to me go and talk it over with Major Smith. I called upon Major Smith, I cannot recollect what day, and asked him if he would restore me to my former position. He said no ; and then I said I have both political influence and Masonic influence, and I will use it to the utmost of my power to regain my situation.

Q. Did you not state to Mr. Lex that you exulted very much in the dismissal of Major Smith ?

A. No, sir ; never. I have had no conversation with Mr. Lex concerning Major Smith since he was dismissed.

Q. Did you ever say to any one that you were ready to go down on your knees, and thank God for his dismissal ?

A. No, sir ; I never used such an expression as that, never sir. I am not accustomed to using such expressions as that.

Q. What are your duties in the College ?

A. I have charge of the children when they are out of school in the dormitories ; at the table ; in the section rooms, and during study hours.

Q. You have the general supervision while not in the section ?

A. Yes, sir.

Q. How many of them ?

A. Forty at present.

Q. Each Governess has forty ?

A. Yes, sir.

Q. Do you know anything of the treatment of these children ?

A. No, sir ; I cannot say anything about the treatment of them, not from personal observation.

Q. By Mr. Littleton. Were there any charges brought against you by Major Smith ?

A. No, sir. I tried my best to be brought up before the Board. I went among the Directors, wishing to have a hearing.

Q. Would they grant it ?

A. No, sir, they would not grant it.

Q. How long had you been at the College when you were dismissed ?

A. Nearly seventeen years. I was dismissed in November.

Q. Do you consider Major Smith truthful ?

A. I cannot say, sir.

Q. How many times, while you were in the College, has Major Smith been in your lavatory ?

A. I do not remember having seen him there since I returned at all ; before that, I do not remember.

Q. Has he ever been in the dormitories ?

A. I saw him once since I returned ; once in my dormitory.

Q. How long at a time, to your knowledge, has any boy been confined in a lock-up ?

A. I cannot say how long before I went away. I don't remember. Since I returned there was one—there were several, three or four—last Summer for a week at a time.

Q. Do you know of any longer than that; any as long as thirty days?

A. I cannot say. Not any boys under my charge.

Q. Was there any heat in the lock-ups in the Winter, during the confinement of the boys?

A. No, sir, I do not think there was any heat. But in Summer they are hot, close places.

Q. How then would the boys be able to keep warm during the day?

A. I do not know any other way than wrapping themselves up in bed-clothes.

Q. Were their shoes taken from them when they were locked up in cold weather?

A. I do not know.

Q. Was it Major Smith's habit to visit the boys, in the lock-ups, to see their condition?

A. I think he was once in them while I had them under my care. They were different boys; smaller boys. Once I remember, that he might have been there more than that.

Q. Have you ever heard Major Smith speak in a harsh or unkind manner to the friends of the boys?

A. No, sir.

Q. Have you ever heard mothers complain of Major Smith's treatment of them?

A. Yes, sir, frequently.

Q. What do they say?

A. Last Summer there were a great many complaints. Major Smith would not allow boys a holiday. When the boys were detained from home they (the mothers) want to know the reason why. They could get no satisfaction from Major Smith. He would not let them see the boys. I know nothing only what I hear from them (the mothers.) I never saw it myself.

Q. Can you give the names of any of the boys' mothers that complained?

A. I believe Mrs. K——k was harshly treated. She came in upon my name. I was not aware of it. She came in to see her boy last Summer. She was harshly treated, and was turned out, and ordered to leave the grounds.

Q. Did she not come in under a false name, and false pretence?

A. Yes, sir; the name that she signed was not her former

name. But then, she may have been married again; I do not know.

Q. Had she any right to use your name?

A. No, sir, I never gave her permission to use my name. Indeed I had not seen her for years.

Q. How are the lock-up rooms ventilated in cold weather?

A. No ventilation only through the windows. The boys that I had under my charge had no other.

Q. Do you consider Major Smith a loyal man?

A. I can say I do not.

Q. Why?

A. Because I think he was a McClellan man.

Q. Any other reason?

A. No, sir, no other reason, I think.

Q. Did you know anything of the refusal to raise the flag?

A. No, sir; I know nothing about it; that was during my absence.

Q. Was the flag raised while you were there, at the victories?

A. I do not know.

Q. Have you ever heard Major Smith express an opinion that lowered the character of the institution?

A. No, sir; I do not think there was that care taken to raise the children to the proper level.

Q. Did your duties require you to attend chapel?

A. Yes, sir.

Q. Did you ever hear Major Smith deliver any original address to the boys?

A. Last Fourth of July there was an address delivered to the boys.

Q. On Sundays, did you ever hear him deliver any addresses to the boys?

A. No, sir.

Q. You have been there on Sundays?

A. No, sir; I do not think I ever heard Major Smith officiate on the Sabbath. I do not remember ever seeing him.

Q. Did he neglect that duty?

A. There were always some persons there to perform that duty, excepting during the holidays; we had service once a day during the holidays.

Q. By Mr. Harper. Why did you think Major Smith was a McClellan man?

A. I had a conversation with one of his sons, just before the re-election of Lincoln; I judge from that and from other conversations.

Q. Do you know whether he voted for him?

A. No, sir; I do not know whom he voted for.

Q. If you knew that he voted for Lincoln would you think he was a McClellan man?

A. No, sir; I should not think that he was.

Q. Were there appropriate appliances in the lock ups, and disinfectants, for the purpose of keeping them in good order?

A. There were, sir. Yes, sir.

Q. By the Chairman. You have charge of the boys out of school?

A. Yes, sir.

Q. Did you ever have any complaints made by any of the boys in your division as to bad treatment, punishment in school, or anything of that sort; or out of school, any complaint?

A. Yes, sir; I have frequently heard them complain of their treatment out of school, on the play-grounds.

Q. In what way?

A. One time there was a punishment got up called sitting on nothing, and the boys complained very much of it; and they complained so much, indeed, that I said, "Boys, I cannot do anything for you; if you have any grievances of this kind, go to Major Smith;" and I believe one of them did go the next day to him.

Q. What were these punishments inflicted for; dereliction of duty in school?

A. No, sir; out of school. Such as running out of line, talking at the table, throwing stones, and some such offences. The "torture" was the name they gave it.

Q. That was what the boys called it?

A. Yes, sir.

Q. Did you ever see any boys undergoing these punishments?

A. No, sir; I never did.

Q. Was it a new system?

A. It was one which was in vogue for a little while, but it was soon abolished.

Q. By Mr. Stokley. Was there an understanding among

the Governesses and others, that if this punishment were exposed they would suffer dismissal?

A. No, sir; I never heard of anything of the kind.

John J. McFarlane, sworn.

Q. By Mr. Chairman. What position do you occupy?

A. Prefect, sir.

Q. You have charge of the boys out of school?

A. Yes, sir.

Q. How long have you been there?

A. Four years the ninth of next month.

Q. By Mr. Stokley. What were the different modes of punishment inflicted upon the children for disobedience of orders and violations of rules?

A. Well, there was quite a number of such instances: turning round at the table, depriving them of part of the meal, the standing them up on the play-ground, depriving them of play; in extraordinary cases they have been whipped and locked up, and compelled to sit upon nothing.

Q. By Mr. Cattell. What is this sitting upon nothing?

A. I can better illustrate it than describe it. [Mr. McFarlane here proceeded to sit upon nothing; this he accomplished by placing his back to the wall and sitting down so as to bring his thighs parallel to the floor, the foreleg being at right angles with the floor; no rest to the body.—REP.]

Q. How long were they kept in that position?

A. Only for a few moments.

Q. By Mr. Littleton. Ten minutes?

A. Nobody could stand it that length of time.

Q. Who introduced that?

A. If I remember right, I think it was suggested by Major Smith; I think so, I cannot say positively.

Q. Did you introduce it yourself?

A. No, sir; I did not introduce it myself.

Q. It was done without reference to the President?

A. Yes, sir.

Q. You had his authority for doing it?

A. Yes, sir; I think so. I will not assert it positively.

Q. Do you know whether it was in being when you went there?

A. No, sir, it was not.

Q. It was introduced after you went there?

A. Yes, sir.

Q. Any other system of punishment?

A. Nothing else peculiar.

Q. Do you know of their having to hold out their hand for a certain length of time?

A. I believe it was a custom some time ago. I may have done it once or twice; it is not customary.

Q. When the boys were stood up, for what length of time was it?

A. That depends upon (the punishment and the manner of it) the offence committed. Sometimes they were stood up in the play-ground, and deprived of play.

Q. By Mr. Littleton. Did you ever keep them in one position, with a penalty if they deviated from it?

A. Yes, sir; not as a rule, though.

Q. How long would you keep them in that position?

A. Fifteen minutes, for a mark.

Q. Were they ever stood up to a dead line, or whatever they chose to call it, (toeing a line?)

A. They were generally stood upon a chair; or, moving about, you could not say exactly where they were. I never had a case of toeing on a line that I recollect of.

Q. Did you ever stand them upon the play ground?"

A. Not to stand up to a line; stood them in a circle.

Q. If in cases they deviated, it was continued?

A. Yes, sir. If they deviated, it was continued; if they showed a spirit of disobedience, they were deprived of a part of their meal, or something of that kind.

Q. By Mr. Stokley. Did you ever whip them by the authority of the President? You were allowed to thrash them at discretion?

A. Yes, sir.

Q. Did the boys ever appeal?

A. Yes, sir.

Q. Did he (the President) ever hear any of these appeals?

A. Yes, sir.

Q. Did he ever diminish any of the punishments?

A. Yes, sir.

Q. Was there any case of unnecessary punishment?

A. Not, as I thought.

Q. Did the President think so?

A. Yes, sir.

Q. Did he reprimand the officer?

A. Yes, sir, in some cases.

Q. What cases?

A. I do not recollect. I recollect, in one boy, the case of S——h, when I suggested keeping him back from part of his holidays, but he never reprimanded me in the presence of the boy.

Q. Did the boys know it?

A. They knew he did not get the punishment.

Q. By Mr. Littleton. Were you reprimanded for the infliction of these different punishments?

A. No, sir.

Q. Did the boys ever complain of them?

A. There may have been an appeal; I do not know of any.

Q. Do you consider Major Smith truthful?

A. I have not found him so in all cases.

Q. What cases?

A. There was a case in which he appeared not to be truthful.

Q. What had that reference to?

A. There was one case when he came to another officer and spoke of what a second officer had said. The other officer, Mr. Milby, who is now here present, and who told me that Mr. Cope, another officer, had said so and so, and Mr. Cope positively denied it, and wished to bring up the matter, and we thought it would be bad policy, and would only make ill feelings, that it was better to accept the position, and go ahead.

Q. Had this any relation to the discipline of the College or the affairs there?

A. It had no special relation to the College; it was in reference to a difficulty among the officers.

Q. What was the subject of difficulty?

A. I suggest it is better Mr. Milby be asked. I think that it had better come from his mouth than mine, second-hand.

Q. How many times, since you have been in the College, has Major Smith been in your lavatory?

A. I cannot give any number of times.

Q. Is he in the habit of going there often?

A. I do not know.

Q. How many times has he been in your dormitory?

A. Very frequently in mine.

Q. What one are you in?

A. No. 2.

Q. That is nearest the President's house?

A. Yes, sir.

Q. How long at a time, to your knowledge, has any boy been confined in the lock-ups?

A. Three months.

Q. What was he fed upon during that time?

A. A greater part of the time, the regular table fare; the first week, bread and water.

Q. Was he allowed to come out at any time for the purpose of going to the woods, or for the purpose of recreation?

A. No, sir.

Q. No exercises?

A. None at all.

Q. What boy was that?

A. That was W——n N——r. There were two boys by that name in the College.

Q. What was his offence?

A. Run away. He was an exceeding bad boy.

Q. By Mr. Harper. Was he taken to the pond frequently?

A. He may have been to bathe. I beg leave to make that correction. He was taken out for the purpose of bathing; I do not know of any other.

Q. By Mr. Littleton. During the winter months, when boys were confined in the lock-ups, was there any heat in the rooms?

A. No, sir; it was very seldom they were confined in the winter months.

Q. Do you know of any cases of confinement during the winter months?

A. I have no cases in my mind except one, that of J——n; that was in the early part of the winter—in November or the first of December, I will not be quite certain.

Q. How then would the boys be able to keep themselves warm during the day?

A. Keep in bed, or run around the room.

Q. How large are the rooms?

A. Some were as large as this, some larger, and some smaller.

Q. Rather a small circle?

A. Yes, sir.

Q. By Mr. Wagner. Twenty feet square?

A. Somewhat larger than that.

Q. Are not their shoes taken away from them in warm and cold weather?

A. As a usual thing.

Q. By Mr. Harper. Why are they taken from them?

A. For fear they will kick the door through, and go out, as a boy did once.

Q. By Mr. Littleton. Was there any means of keeping the doors strong enough to keep the boy from kicking it to pieces?

A. Well, they managed to kick out, I know.

Q. By Mr. Harper. I do not suppose you had anything to do with putting up doors?

A. No, sir; I was not the Carpenter.

Q. By Mr. Littleton. In cold weather how are the boys to keep their feet warm with nothing but their stockings?

A. In cold weather they had woolen stockings. I do not know anything excepting moving around or else keeping in bed.

Q. You do not teach them dancing at the College?

A. No, sir; they sometimes teach themselves.

Q. Was it Major Smith's habit to visit the boys in the lock-ups to see their condition?

A. He has been in the lock-ups when I had charge of the boys.

Q. Do you know whether he visited them frequently there; whether the boys were in proper condition?

A. I do not know that he visited them very frequently; I know he has visited them.

Q. By whose order were boys confined there?

A. By order of the President.

Q. Could you confine them by your own will?

A. In cases of run-away, when I knew he should be locked up when he came back.

Q. Did you always report to the President how long a boy was in the lock-up?

A. Yes, sir.

Q. By whose order was he released from the lock-up?

A. By the President's order.

Q. Then he knew how long the boys were confined there?

A. Yes, sir.

Q. Had taken your reports?

A. Yes, sir.

Q. Have you ever heard Major Smith speak in a harsh, unkind manner, to the mothers and friends of the boys?

A. I think I have once or twice.

Q. By Mr. Harper. What did you hear them say?

A. I cannot say; it is merely an indistinct impression on my mind in the way of speaking to the mothers; excepting an indistinct impression, I must say the mothers' talk was not anything to produce any other answer than such as she might have got—very impertinent and overbearing.

Q. Have you ever heard mothers complain of Major Smith's treatment of them?

A. Yes, sir.

Q. What did they say?

A. They said he spoke to them unkindly—he was no gentleman. I of course would shut them up—would not allow them to continue to speak in that way; but they would say it, however.

Q. Can you give the names of any of them?

A. Mrs. M——n for one; Mrs. B——n for another.

Q. How are the lock-up rooms ventilated in cold weather?

A. The windows are thrown open.

Q. Any other means?

A. No, sir; not in the majority of them. In some others the chimneys have ventilation, but in the majority they have not.

Q. What did Major Smith do. I suppose it has reference to the lock-ups?

A. He put chains on the windows; that was to prevent the boys from throwing themselves out of the windows?

Q. Do you consider Major Smith a loyal man?

A. Well, that is merely a matter of opinion; I hardly know whether that is fit for evidence.

Q. By Mr. Wagner. Did you hear him say anything that you considered disloyal?

A. Never heard him make any remarks that I consider disloyal.

Q. Have you ever heard Major Smith express an opinion which lowered the character of the institution?

A. Yes, sir.

Q. In what respect?

A. That is, they do in my opinion; my opinion may have been wrong.

Q. Let us have your opinion.

A. Well, they consisted at times in reference to the furniture and the lavatories and such places; no need of having such good furniture—might have worse—and so on, they did not appreciate it, and such things as that, to me at least, although I may have been wrong, gave the impression that he did not like to bring the boys up to ideas such as they were being brought up to.

Q. Did you ever hear him say anything about paupers?

A. Never heard him use the word paupers.

Q. Has the flag been raised invariably after a victory of the Union forces?

A. It has generally been raised, as far as my memory serves me.

Q. Was it raised at the celebration of the dedication of the Gettysburg Cemetery?

A. I was at Gettysburg, and could not tell anything about the College.

Q. Why was not the flag raised upon such occasions?

A. It has been raised.

Q. Do you know any victories that it has not been raised?

A. No, sir; I did not know of any.

Q. Did Major Smith ever, during the rebellion, inculcate in the minds of the boys sentiments of loyalty?

A. I do not exactly understand that.

Q. Did you ever hear him preach a loyal discourse to the boys?

A. The 4th of July, and Washington's birth-day he made some remarks.

Q. Excepting this occasion, did you ever hear him as a matter of habit or custom, preach sentiments of love of country, loyalty, and so on?

A. No, sir; not that I remember.

Q. Is it the practice to punish the whole section for the offence of a portion?

A. It is not a practice, it has been done.

Q. For what reason?

A. Where an offence has been committed, where there is no power to get at the boy, and which is of such a nature,

as to make it necessary to find out the boy a whole section has been punished, until the boy himself owns up.

Q. Then the intention also was to entice some of the boys to inform upon the one who was guilty?

A. No, sir; I have punished boys for informing upon others.

Q. Have you not had cases where the boys actually confessed to crime which they did not commit, so as to get the section off?

A. I have had cases where a certain number has been called for, where a noise has been made and the officer has called for a certain number, and where a certain number have given themselves up, and those who were guilty were known as guilty, and those that give themselves up were also known. They did not confess and report as having done so; they reported to make up a compliment. I only know of one case where that occurred.

Q. Let me understand you. How many would you require to come forward in cases of disorder in the dormitories?

A. Call for ten or fifteen.

Q. How do you arrive at that number?

A. By the amount of noise made we generally can tell.

Q. Do you punish those who confess?

A. Yes; they receive a punishment of some kind or another.

Q. And yet every one may not have been guilty?

A. Not as a rule; that has occurred where a mistake has been made in a number; that would have occurred. Generally a mistake was easily made; even the generous boys have to suffer for the sins of the others.

Q. Did the President ever issue any instructions discountenancing the use of the word "home," as applied by pupils to the residence of the mothers and friends?

A. I think so, but I will not be positive.

Q. I want to ask you about punishing the whole section for the offences of a portion. Was the President aware of such a system?

A. It was not a system; it was a single case.

Q. Was he aware of punishment of that kind?

A. Yes, sir.

Q. Did he disapprove of it?

A. I could not say whether he approved or disapproved of it.

Q. Were you ever reprimanded for such punishment?

A. No, sir.

Q. Did you ever deprive a section of their regular meals?

A. Yes, sir; part of their meals.

Q. State your reasons for it?

A. Where, in the dining-room, a great number of boys run up to one end of the room, and were out of order; tell them to sit down, give them part of the meal; if they turn around, they lose about half; turn around the second time they lose all but about five minutes.

Q. Mr. Harper. Is that authorized by the printed rules?

A. I think so.

Q. Were any of your boys kept back; that is, prevented from going home on their visiting days?

A. Yes, sir.

Q. Why?

A. Because the idea of these visiting days were as rewards for the good boys, and those who were not good were deprived of them. It was for bad conduct, and only for bad conduct they were kept back.

Q. Was it authorized by the rules?

A. I think so, I will not be positive; my impression is it was so.

Q. Did you deprive a section of their visiting day?

A. Yes, sir; at their visiting day, on the third Sunday of October last.

Q. For what offences, and by what authority.

A. I do not know. They were deprived of that visiting day.

Q. Was any particular offences committed by the section?

A. Disorder in the dormitory. No particular occasion for it, or reason for it; no cause for it.

Q. Was it an ordinary case of disorder?

A. Yes, sir, it was.

Q. Did you keep records of the standing of the pupils, and have you the power to assign or withhold rewards.

A. The records are kept by the President, but I have performed frequently, and generally the clerical work; the records are copied, and as soon as the marks are entered the

book is handed over to the President. The clerical work has been done or superintended by myself.

Q. Have you the power to assign or withhold rewards?

A. No, sir; I have the power to sign passes, but the rewards by which these passes are signed are passed upon by the whole of the faculty. It is the good only that are worthy of such rewards.

Q. Does any one member have the power?

A. Yes, sir.

Q. Have you any veto power?

A. No matter what reward the boy has, if they will send word to me that they do not want such a boy to go out, no matter if he was entitled to that reward, he does not get to go out.

Q. Were there other rewards?

A. The Class of Honor; they were allowed certain privileges.

Q. Had you any power to prevent the boy from enjoying his holidays, without assigning any reason?

A. There was no custom to assign a reason; it was not necessary for it. Each name is read, and if a Professor said "I object," that was the end of it.

Q. Have you known any officer to have deprived boys of rewards on account of offences committed in the household?

A. Yes, sir, and vice versa.

Q. After the new rules, adopted September, 1866, had been distributed among the officers of the College, did the President direct or permit you to go on as before?

A. He neither directed nor permitted.

Q. Did he say anything in opposition to the rules?

A. He said what others had said, that he did not like the rules, and that he hoped they would be changed.

Q. Mr. Harper. How long have you been a Prefect in Girard College?

A. Nearly four years.

Q. Your business is to take charge of the boys out of school?

A. Yes, sir.

Q. Have you any other duties?

A. I have no other duties. There is naturally, among the officers attached to the institution, generally a feeling of re-

sponsibility at all times and all places. I have frequently had charge of boys who were not in school.

Q. Your duty is to take charge of boys out of school? Do you inflict punishment upon the boys yourself?

A. Yes, sir.

Q. By whose direction?

A. Previously, at discretion; latterly, by authority of the President.

Q. When you think a boy should have corporal punishment, do you state his case to the President?

A. Yes, sir; that is the custom.

Q. And then he either authorizes you, or not?

A. Yes, sir.

Q. Have you ever known any boy to have severe corporal punishment, so as to leave stripes upon his back for any length of time.

A. Not for a long time. I have seen stripes upon a boy's back after he has been whipped.

Q. How long?

A. I do not know of any definite period.

Q. Do you know them to have been there for a month?

A. I cannot say. I would say that I saw them the night after the boy was whipped. We have charge of the boys in bathing.

Q. You spoke about Mr. Cope; what position did he have?

A. A similar position to my own.

Q. What was the difficulty between him and the President, that you spoke of?

A. I suggest that the other gentlemen be asked, I have it from hearsay; Mr. Milby was present to whom he stated the matter.

Chairman. I would like to hear what you have to say about it?

Mr. Harper. Mr. Smith said this thing to Mr. Milby, it has been customary here in taking the evidence, to have hearsay evidence.

A. On the third of August, 1866, I think it was after the removal of the Matron, Mrs. Robinson, and the election of Mrs. Paul, he (Mr. Smith) spoke to him (Mr. Milby) about not taking any partisan view of the matters, and not to side in one way or the other about the removal (of the Matron.) But he (Mr. Smith) then said that Mr. Cope had come to

him, with regard to Mr. Milby as to his duties, going after run-aways, and carrying letters to the run-away's friends, and so forth; Mr. Cope told Mr. Smith what Mr. Milby had said. The effect of it instantly was to make Mr. Milby feel that Mr. Cope was acting an ungentlemanly part in carrying that thing to Major Smith, and it created an ill-feeling between the two gentlemen; immediately, of course that was soon noticed. Mr. Cope asked for an explanation; this explanation was made, and he was willing to go to Mr. Smith at that time, and prove that he had not said it. We thought [when we talked it all over among ourselves,] that it would be injudicious, for if it were by any means proved that Major Smith had told an untruth, it would place him in the position of having an officer charge him with a lie, and place them in an unpleasant position, and that we had better leave the matter alone; these were the facts, as far as I remember. That was why I said that at the time.

Q. By Mr. Harper. This was a matter about carrying things from one person to another?

A. That was it; Mr. Milby was told by Major Smith, that Mr. Cope had said, that he (Mr. Milby) had said it was not his duty to carry letters, to be mail boy for Girard College; something to that effect.

Q. By Mr. Harper. Who was this boy that was confined for three months?

A. W——n J. N——r.

Q. What offence had he committed?

A. Running away and stealing; both I think.

Q. What period of the year was he confined?

A. July, August and September, if my memory serves me.

Q. Are you certain that he was confined in September?

A. Why I am almost positive from my own knowledge.

Q. That he was confined after that?

A. Yes, sir; He was confined after Mr. Milby came, and Mr. Milby did not come until after the middle of September. He was not an officer until the resignation of the officer that had charge of him; at that time Mr. S——n left.

Q. Was there any particular reason why he should have been confined longer than any other boy?

A. Yes, sir; because he was one of the worst boys.

Q. What were the offences that he had committed?

A. He had been stealing and running away, and he had stayed away a great length of time when he had run away.

Q. What became of him afterwards?

A. He is still in the College.

Q. Still there?

A. Yes, sir.

Q. Is he much better?

A. He is not much better; he was stealing peaches out of the kitchen two weeks ago.

Q. Have these boys ever been known to set fire to the building?

A. Yes, sir. I think perhaps he was mixed up in things of this kind; it is an impression upon my mind. I think that he was so incorrigible a boy that he required extraordinary punishment. He is the most incorrigible boy that we have got to this day.

Q. How old is he?

A. About fourteen.

Q. By Mr. Cattell. How long ago is it that this locking up took place?

A. In 1865.

Q. He was about twelve years of age at that time?

A. Yes, sir.

Q. By Mr. Harper. Did he appear to suffer from his confinement?

A. No, sir; he did not seem to suffer.

Q. Did he suffer in health, I mean?

A. Not that I know of.

Q. Did you ever know of any boy's feet to get frosted by his being confined in these rooms?

A. No, sir.

Q. By Mr. Littleton. His feet would not be likely to be frosted in July?

A. No, sir.

Q. By Mr. Harper. Were you in the College during the administration of Mr. Allen?

A. No, sir.

Q. Do you know whether it was customary to punish boys in sections previous to the administration of Major Smith?

A. Yes, sir.

Q. It always has been the custom?

A. Yes, sir; it has been done prior to his administration, I know.

Q. By Mr. Stokley. How do you know it had been done prior to his administration?

A. Mr. Allen told me so himself.

Q. By Mr. Littleton. Do you know whether he punished them until a certain number came up to acknowledge?

A. I do not know any of the circumstances; I only know that he punished a section for a certain length of time.

Q. Where was this lock-up where this boy was confined three months in summer?

A. No. 6.

Q. What kind of ventilation was there?

A. Nothing but a window.

Q. Was there any other opening?

A. Not that I know of.

Q. The door was kept locked all the time that the boy was there?

A. Yes, sir.

Q. Was it before the division of the room into smaller rooms?

A. I think it was; I do not know. It seems to me he had a large room. He was not under my charge at that time.

Q. You said something, in reference to the dismissal of Mrs. Robinson, about partisan feeling; what did you mean?

A. He did not want Mr. Milby to speak in a partisan way.

Q. In reference to the removal?

A. Yes, sir.

Q. Have you ever officiated in the chapel?

A. Yes, sir.

Q. Led the exercises?

A. Yes, sir.

Q. Were you present when the President led them?

A. Yes, sir.

Q. Ever hear him deliver any addresses?

A. Yes, sir.

Q. Any original addresses?

A. I do not know, positively; I could not tell whether in all cases they were original or not. I have known him to read from a book.

Q. What was the general custom? What was his general practice?

A. I believe it was to read; I cannot assert positively.

Q. From a book?

A. From a book, or from writing.

Q. By Mr. Stokley. Did you ever know anything of the punishment of the boy by the name of S——n?

A. That was before I went into the College; of course I knew nothing of it until months afterwards. (After it took place.)

Q. You knew nothing of his being confined?

A. No, sir; knew none of the facts.

Q. This boy ——, whom you have pronounced a thief, what did he ever steal?

A. If I am not mistaken, he stole money. I did not give him his title from his last offence, but from his character.

Q. By Mr. Harper. Did you ever notice that Major Smith was indolent in the performance of his duties, and liked his case pretty well?

A. I have never noticed that he was indolent.

Q. Do you think that he properly performed his duties there, and was active and attentive?

A. I think that he was sufficiently active and attentive.

Q. By Mr. Cattell. How often did he visit the dormitories that you had charge of?

A. Very frequently.

Q. By Mr. Littleton. Did you ever give a boy twenty marks for throwing a snow-ball?

A. Yes, sir; the idea of that was, if you had no punishment, there would be the greatest amount of breaking of windows, hitting each other and other people, and breaking up of the line generally.

Q. Did you ever have many windows broken by snow-balls?

A. Yes, sir.

Q. How many?

A. I do not know.

Q. Half a dozen?

A. Yes, sir.

Q. What punishment did the boy have to suffer for that?

A. Twenty marks, and that would amount to five hours

alternately standing up and sitting down. It was a quarter of an hour's detention for each mark.

Q. Was there any remonstrance against this particular sentence?

A. No, sir; I never heard any boy make any complaint against it.

Q. Did any of the officers ever say anything in reference to it?

A. Not to my knowledge.

Q. Do you know whether they did remonstrate with the President against it?

A. I do not know that they did.

Q. Do you think that is a proper punishment, for simply throwing a snow-ball?

A. You must remember the circumstances, if you allow the snow-ball to be thrown.

Q. Where was this one thrown?

A. They are allowed to throw them anywhere upon the play-ground. This is given as a general punishment. It was a general thing, and the boys knew that if they threw the snow-ball the penalty would follow.

Q. Did you ever give that punishment to a boy?

A. I did, sir.

Q. Where was it (the snow-ball) thrown?

A. It has been thrown in passing down the line to the dining-room. Some boy in the rear threw a snow-ball and hit persons going in, either servants, ladies, or officers.

Q. Then your infliction of punishment did not prevent the commission of the offence?

A. Not entirely; but to a great extent it did.

Q. By Mr. Harper. Was this rule so strict that in case a snow-ball was thrown on any part of the grounds the penalty followed?

A. No, sir; they were allowed to play in their proper places with snow. There they may have snow-ball fights as much as they choose, but when in line, going from one building to another, then they know the penalty.

Q. Did you ever have a conversation with Major Smith in reference to the Steward?

A. Yes, sir, I have had a conversation with him in reference to the Steward.

Q. Did he ever undertake to bias your mind against the Steward?

A. Yes, sir.

Q. In what way?

A. He warned me not to have much to do with him in any way more than common politeness. He made use of the expression that he was a politician, and so on.

Q. By Mr. Harper. Was not that with a view of preventing anything like partisanship there?

A. I think that was very likely the intention.

Q. Do you think that he meant to prejudice you against this man?

A. Well, I am inclined to think so. I cannot exactly use the word prejudice.

Q. By Mr. Stokley. Did you think it was through any good feeling he had towards the Steward?

A. No, sir.

Q. By Mr. Littleton. Did he use any other term besides politician?

A. That he was a School Director, and wanted things to suit himself.

Q. Did the Steward ever interfere with the schools?

A. Not to my knowledge.

Q. Was there any partisan feeling in the College?

A. Well, yes; there is always a certain amount of feeling one way or the other. Each one have their feelings.

Q. Which way was it here? Where was the partisan feeling that you saw? On the side of the Steward?

A. I cannot say. He has said at times that he did not like this and that thing that was done to him, or with his affairs, by the President.

Q. That was not in a partisan way?

A. No, sir; I cannot say it was partisan exactly.

Q. Did Mr. Hartley ever speak disrespectfully of the President?

A. I do not know.

Q. By Mr. Harper. Did you ever hear Mr. Hartley say anything about the President?

A. Certainly; I have heard every officer speak in one way or the other.

Q. Did you ever hear Mr. Hartley speak against the President?

A. If you mean that he did not like certain actions, yes, sir; but against him as a person, is another question; that he did not like his interfering with discharging men, something that was his (the Steward's) business.

Q. Did you ever hear him say anything about his loyalty?

A. I have heard him speak in rumor, as others have done.

Q. What did you hear him say?

A. I have heard him say that he did not consider him loyal.

Q. Did he give any reasons for it?

A. I never heard any reasons given.

Q. By Mr. Stokley. Did he not hold that opinion because he (the President) had been in opposition towards him, because he (the Steward) was a Republican. That appeared to be the opposition, was it not?

A. That opposition was shown immediately on his coming there; as soon as he arrived, it was shown by the President, (the opposition.)

Q. By Mr. Harper. How was it shown?

A. He was not recognized, although elected by the Board.

Q. Was not the question before the Courts in relation to the Steward?

A. I believe there was; but that afternoon the Matron took her position, and he recognized neither Matron nor Steward in the morning.

Q. That was a question before the Courts in the morning?

A. The Matron was not before the Courts.

Q. By Mr. Stokley. Did not the President throw impediments in the way of the Steward up to the time of his dismissal?

A. I think he did. I think that the first day that Mr. Hartley was on duty as the Steward, he sent back a parcel that he (the Steward) had ordered for the College. Said "he had no business to order it; there were no funds for it."

Q. By Mr. Harper. If that was a fact, do you think that was an impediment?

A. I think so. The Steward was the man to determine what should be bought; he bought what it was necessary to have; it was a parcel of brooms. It was the first day that he was on duty. The brooms came to my room. and he (the President,) in my presence and in the presence of others, said "that he had no right to order them."

Q. By Mr. Stokley. Did he ever interfere with the former Steward?

A. Not that I know of.

Q. By Mr. Harper. Was there any interference of that kind afterwards by the President with the Steward?

A. I know of none. The reason why I happened to be familiar with that was, because it was done in my room.

Q. By Mr. Littleton. How many brooms were there?

A. I think that there was two dozen.

Q. You said others have expressed opinions. What has anybody else ever said?

A. People have said that they did not think that he was loyal.

Q. Did they give any reasons for it?

A. They gave no reasons for it.

Q. Have you heard anybody say anything as to his competency?

A. Yes, sir.

Q. What have they said as to that?

A. Have heard some say that they thought he was incompetent.

Q. By Mr. Harper. Have you heard others say that he was competent?

A. Yes, sir.

Q. Then there was a divided feeling among the officers of the institution as to his competency?

A. Yes, sir.

Q. Had any of those who expressed opinions as to his incompetency been long in the institution?

A. Yes, sir.

Q. By Mr. Stokley. When you had this conversation with Major Smith in reference to Mr. Hartley, was it after or before the decision of the Court?

A. After.

Q. Then he was really recognized by all hands?

A. Yes, sir. He made use of this language in our regular meeting of officers. He was a regular recognized officer at the time.

Chairman. From the statements that he makes here, there would seem to be an unusual condition of things in the College. How long has this (feeling) condition of things lasted

in regard to Major Smith? What might be styled two parties in regard to Major Smith.

A. Well, it has always been since I have been there. There have been some who have thought both ways. I came there six months after Mr. Smith came; and shortly after I came, I heard them say that they thought that he was incompetent, and some others say that they thought he was competent.

Q. By Mr. Harper. What is your age?

A. I am twenty-one. Was twenty-one last June.

Mr. Tyson. You went there when you were about seventeen?

A. I went there in January. I was seventeen the June preceding.

Q. By Mr. Harper. Did you have charge of the smaller boys?

A. Yes, sir, I had the lowest Prefect section.

Q. By Mr. Littleton. Was Mrs. Paul there when you went there?

A. No, sir.

Thomas F. Milby, sworn.

Q. By Chairman. How long have you been a Prefect?

A. Two years the 16th of last September. I was appointed in 1865.

Q. Your duties are similar to Mr. McFarlane's?

A. Precisely the same, sir.

Q. What class of boys did you have? What size?

A. I have the class known as three one and three two, boys whose ages average from twelve to fifteen.

Q. How old are you?

A. Twenty-four.

Q. By Mr. Harper. You have heard the testimony of Mr. McFarlane in relation to this question about Mr. Cope. Will you now make your statement of your own accord?

A. Major Smith came to me one evening, and he said: "Mr. Milby, there is a point I wish to speak to you about (because it was done to me in confidence.) Mr. Cope came to me for advice, in reference to an action on a comment that you made in reference to Prefects. The order of business outside; the regular Prefect duties being performed by Prefects. That is going after run-aways, or carrying letters, and

doing anything outside of the regular charge of the boys, and that I refused to do it." I said that if Mr. C——e said that, "that he was no gentleman; he might have asked the advice without giving names. It was done in confidence."

Mr. Smith said, "I do not want you to understand there is any feeling one way or the other." "I am obliged to you," said I, "at the same time I still hold the same idea of Mr. Cope. I do not think him at all gentlemanly;" and the next day I left for my vacation. I was away for a month.

The first morning when I returned, and was on duty. I took no further notice of Mr. Cope than my business called for. It went on in that way for two days. I had nothing to say to him but what the regular business of the College required, and he came to me and said, "I demand an explanation of your treatment." "Very well, sir," said I, "It is just so and so." I told him what I have just stated.

Mr. Smith was then in front of No. five. Said he, "I will go with you to Major Smith;" I said no, I will not.

Q. Did Major Smith deny it?

A. Mr. Cope denied it *point blank*; said he never intimated it to Major Smith.

Q. How do you suppose he knew anything about it if he did not intimate it?

A. From the fact that Mr. Smith wanted some one to go to some place in New Jersey after a boy that had run away. I had not been used to travelling, and Mr. Cope offered to go for me, and Mr. Smith said, I wanted Mr. Milby to go; that Mr. Arey had told him I said I would not do these outside duties; so that is the position I hold.

Q. Did you ever make a suggestion or remark of that kind?

A. I suppose that I had. I did not think that it belonged to the Prefect duties. I thought these things should be handed over to the Police.

Q. You thought it was done for the purpose of compelling you to perform these duties?

A. I did not at that time; the point that I took then was on the idea of Mr. Cope's going to the President and condemning a fellow officer.

Mr. Littleton. He had told the President that you said that you thought it did not belong to the Prefects duties?

A. So he said.

Mr. Littleton. Mr. Cope went to the President and told him that you had said that you did not think it proper for you to perform such outside duties?

A. Yes, sir.

Q. Now what do you think Major Smith's idea then was in giving such a statement to you if Mr. Cope had never made such a statement?

A. I do not know, indeed.

Mr. Harper. Did you think that Major Smith had not told the truth?

A. Mr. Cope declared positively to me that he never intimated such a thing.

Q. Then you came to your conclusion?

A. Yes, sir, that was the conclusion.

Q. Well, how do you suppose that Major Smith would have known anything about the matter if Mr. Cope had not said something about it?

A. I said what Mr. Cope repeated to me, that Mr. Arey had repeated so and so, as coming from him.

Q. By Mr. Littleton. Might not Major Smith have made a mistake?

A. I do not know. I merely give you the conversation that took place.

Q. Are you sure he said Mr. Cope and not Mr. Arey?

A. Yes, sir; I was perfectly taken down. Mr. Cope at first could not remember ever having said such a thing to any one.

Mr. Cattell. Mr. Cope had said so to Mr. Arey, that you had said so?

A. I believe he had; afterwards, when they come to twist and turn, I cannot say whether, positively, that Mr. Cope did say it.

Mr. Cattell. Major Smith might have used Mr. Cope's name?

A. He said that Mr. Cope came to him for advice. That was the remark that he made.

Q. You are perfectly certain that Mr. Smith said that Mr. Cope came to him personally?

A. Yes, sir. He said Mr. Cope came to him for advice. These were the words he gave to me on the front of No. four, I gave them to Mr. Cope just as he had given them to me.

Q. He denied it positively?

A. Yes, sir; he denied he ever made any such remark.

Q. You inferred from this that Mr. Smith was not truthful?

A. Yes, sir; in that case.

Q. Did you ever have any other case to induce such an opinion?

A. No, sir.

Q. Did you never make any inquiry of Major Smith as to the reasons of his statement to you?

A. No, sir; because he was President of Girard College.

Q. Do you know that it would have been proper to have done so?

A. No, sir; respect to the officer would have led me to keep silence.

Mr. Harper. Do you know anything of the boys having been confined for a long period in the lock-ups?

A. I can only give it to you from hearsay. When I came there he was in the lock-up. He told me that he (the boy) had been there for three months.

Q. Do you know of any boy having attempted to set fire to the College?

A. Yes, sir.

Q. In how many instances do you know of that?

A. Well, one attempt was made with the fair and square intention of setting fire to the College, and the others were done more as if they were playing with the fire.

Q. I mean where it was done with a malicious intent.

A. Yes, sir; in house No. 3.

Q. Do you know what the boy's name was?

A. Yes, sir; E——s.

Q. Is he still in the College?

A. No, sir; he and the other boy were sent to Moyamensing Prison.

Q. They were both dismissed from the College?

A. Yes, sir.

Q. Is that since you have been there?

A. I think that was in October of 1865.

Q. Mr. Stokley. That was before you were a Prefect there?

A. No, sir; I was elected on September 16, 1865.

Q. Mr. Harper. What was the punishment you were in the habit of inflicting upon the boys?

A. My punishment has been detention from play, the

taking away a portion of their holidays, and, in extreme cases, corporal punishment before the President.

Q. Did you ever make any of these boys sit upon nothing?

A. I have, sir.

Q. Do you consider that a very severe punishment?

A. Not for three or four minutes.

Q. Did you ever know of any boy's being injured by it in any way?

A. No, sir.

Q. Mr. Littleton. How long did you continue it?

A. I never knew it to be more than four minutes.

Mr. Harper. Do you know whether the boys would rather be punished that way than to be stood up?

A. We never consult with the boys in case of punishment. I know boys would rather have a whipping than be stood up. I think Mr. L——n will bear me out in that opinion.

Mr. Harper. That goes to show you they might have had an opinion.

A. I do not know that they did. I speak of the whipping from my own experience.

Q. Who introduced that mode of punishment?

A. I cannot say, indeed. We did it upon our own responsibility. I suppose that it came from Major Smith.

Q. Is it an army arrangement?

A. That was my impression. I never did it in more than half-a-dozen cases.

Chairman. You found it in vogue when you came there?

A. No, sir.

Q. How long has this punishment been in use?

A. It was done immediately after the suspension of the power of the officers to inflict corporal punishment at pleasure. It was in existence a month or six weeks. It is dropped now.

Q. Mr. Harper. Do you know why it was dropped?

A. They found that it would be better to go back to the old marks, and take it off from their vacation.

Q. They thought the latter plan was the better one?

A. Yes, sir.

Q. Did Major Smith ever speak to you about this mode of punishment?

A. No ; any more than he said we had better stop it and go back to the old mark system.

Q. Mr. Littleton. How many times since you have been in the College has Major Smith been in your lavatory ?

A. I do not think more than three times.

Q. How many times in the dormitory ?

A. My dormitory is very small and very dark. I do not think he was ever in that at any time.

Q. How long at a time, to your knowledge, has any boy been confined in the lock-up ?

A. N——'s case was three months.

Q. Do you know of any other case of that length ?

A. No, sir.

Q. Any case of thirty days ?

A. Not to my knowledge. I have not heard of any.

Q. Have you ever heard Major Smith speak in a harsh or unkind manner to the boys ?

A. Yes, sir.

Q. Have you ever heard any mothers complain of his treatment of them ?

A. I do not know directly of that. Two of them particularly gave Mr. Smith a regular castigation.

Q. Tongue-lashing ?

A. Yes, sir.

Q. Well, what was the occasion of their complaint ?

A. The case of M——s mother ; it seems the difficulty was that Major Smith found the boy could not be pushed forward any further in the school and he was removed, and put in the working class. She thought he had a wonderful quantity of brains, and that was the cause of her complaint.

Q. By whose order were the boys confined ?

A. The President's.

Q. Was any boy ever locked up without the President knowing the fact ?

A. Never ; unless it would be a boy that had run away and was returned.

Q. Would you report that fact ?

A. Yes, sir ; report it immediately.

Q. Do you consider Major Smith a loyal man ?

A. I do not know, indeed ; I have never had any conversation with him.

Q. Have you ever heard him express an opinion that would tend to lower the character of the institution?

A. I do not suppose that he would do it to me.

Q. Has the flag been raised at the time of Union victories?

A. I was not there during the war.

Q. Do you know anything of the practice of punishing a whole section for the offences of a part?

A. I have never done it.

Q. By Mr. Wager. Have there been any cases of absconding since the withdrawal of Major Smith?

A. There has been none.

Q. Have there been any cases of discipline (by corporal punishment)?

A. Yes, sir.

Q. Many?

A. Well, I have punished five or six since Mr. Allen has been there.

Q. By whipping them?

A. Yes, sir, by whipping them; by switching them.

Q. Any other modes, do you know?

A. I suppose so; I could not say.

Q. How many boys were under your charge?

A. I have sixty-five.

Q. By Mr. Stokley. Do you remember of the instance, towards the latter part of Major Smith's time, in which thirty boys were whipped upon Saturday; was that for noise in the section room?

A. Yes, sir.

Q. By whom was that (the whipping) done?

A. It was done by Major Smith, Mr. McFarlane, and myself.

Q. Was the whole section punished for the misconduct of a few?

A. No, sir; I am disposed to think the whole section was in disorder.

Q. What caused the disorder, do you suppose? In what did it consist?

A. Boys running out of the section, crying bloody murder; the whole section was in the hall; the whole section pushed into the entry.

Q. What caused the boy to halloo bloody murder?

A. I think the section was left in charge of a Monitor, and

at that time the whole section was in rather a disorderly state. The Monitor wanted a boy to do something; he refused to do it, and the Monitor went towards him, and he ran out and screamed murder.

Q. Did not that induce the boys to run out to look after him?

A. It might have induced them, but that was no reason for them to do it.

Q. Why were they left alone?

A. Because the Prefects were at supper.

Q. Is it customary to leave them with the Monitor?

A. Yes, sir.

Q. Who had charge of that section?

A. A lady by the name of Mrs. W——e.

Q. By Mr. Littleton. Was the whole section whipped?

A. Yes, sir, about thirty of them.

Q. By Mr. Stokley. You whipped them in a crowd, together?

A. Yes, sir. The section had been for a long time very unruly and disorderly.

Q. By Mr. Harper. What was the effect of the rule depriving the Prefects of the power to punish at discretion?

A. The effect was to make us resort to these beforementioned punishments. They (the boys) had a bad memory.

Q. What was the effect upon the state of the discipline?

A. It was rather demoralizing.

Q. By Mr. Littleton. Did not that cease to be so afterwards?

A. It was only when we had complete control of our section that we could control them at all.

Q. By Mr. Harper. Did that demoralization increase after the removal of Major Smith?

A. I do not know whether it was by the dismissing of Major Smith. We would have to lay these cases before him, and he would look at it in an easy light.

Q. Did it increase?

A. I think it did; I think it increased with us—that is, the general unruly way of running around the house. Then they knew they would be whipped, and whipped on sight; and that would be the natural tendency of it.

Q. How about the abscondings; did they increase?

A. There have been none at all.

Q. How was it at the time previous to the removal of Major Smith?

A. There was a tremendous quantity of them; a large number, I will not say positively; I may exaggerate. I think there were thirty between the time of the passage of the resolution dismissing him and the time of his leaving the College. But then that is the regular running-away season, in September and October; they run away for the winter months. Remark. They run away for the winter nuts.

Q. By Mr. Littleton. Have you ever heard any doubts expressed as to the President's loyalty?

A. I cannot say whether I did or did not; politics is a thing I take very little note of.

Q. Any doubts expressed as to his incompetency?

A. There have been inferences drawn between him and Mr. Allen as to the competency of each. I do not speak of the Mr. Smith altogether, only in comparison.

Q. Were these unfavorable to Mr. Smith?

A. Sometimes.

Mr. McFarlane, recalled,

Q. By Mr. Harper. Did you visit the lock-ups with a member of the Board of Directors upon the 12th of October?

A. Yes, sir.

Q. What was the object of that visit?

A. The Directors wanted to see how the boys were kept, what kind of lock-ups they were, and so forth. There had been complaints from mothers; they came to see exactly how it was and what they were, and they asked me to take them up.

Q. In what condition did you find them?

A. I found them in the ordinary condition. The boy was just in the room there without his shoes. Two or three boys were that day in one room at the end of No. 2, and some of the gentlemen commented upon the atmosphere of the room.

Q. Which were the bad rooms?

A. The south rooms of the building.

Q. What was the objection to that room?

A. Well, the atmosphere was bad; there were too many (boys) in there, the atmosphere was unpleasant.

Q. Were any of them sick?

A. No, sir; not that I remember of.

Q. By Mr. Harper. Did any of them seem to suffer in a peculiar manner?

A. They never made any complaints to me in any way.

Q. In what condition were the other rooms?

A. They were in a much better condition; they were longer rooms, and in consequence of that the atmosphere was better.

Q. Was the air in the other rooms pure?

A. Yes, sir.

Q. Were you at that time asked a question by any member of the Board, whether the President was severe in his manner of punishment?

A. Yes, sir.

Q. What was the question?

A. Well, they wanted to know whether I thought that Major Smith was not very severe in his punishment.

Q. What was your answer?

A. The question was in reference to whipping, and I said no; I do not think that he whipped severely.

Q. Did you say anything in reference to the whipping, to Major Smith?

A. I said that I thought the boys preferred to be whipped by Major Smith than by any other officer.

Q. Why did you think that they preferred being whipped by him.

A. At least the larger boys have said that. Said that they thought they could get off easier, that he was not so severe as the other officers, ladies and gentlemen.

Q. What can you say as to your own manner of punishment?

A. I said I thought I whipped more severely than Major Smith.

Q. Mr. Littleton. Would you not have some feeling against a boy when committing an offence?

A. Of course sometimes; in general, of course, a boy behaving badly you could not help feeling in some way.

Q. Do you not think that it is much more appropriate to punish in a cool and calm manner?

A. I do not think that it is right to punish while you are angry. I do not know it would be judicious at all to punish while angry.

Mr. Harper. I suppose when you punished you tried to act in a perfectly just manner?

A. Certainly.

Q. You try to throw off anything like feeling?

A. Yes, sir.

C. R. MORGAN, M. D.,
Sworn Reporter.

December 30, 1867.

Richard Somers Smith, sworn.

(Before giving any statement, Mr. Smith handed around eight or ten sermons to the Committee to examine, written by himself, remarking that these things should be the subject of examination at the hands of those interested. For the subject of preaching in the College is one to which considerable importance has been attached, and is interesting as to the nature of the preaching set forth.)

In the order of priority I shall make a few comments upon the statements of the witnesses coming before the Committee.

Mr. Boswell, the first witness, a Director, admits in the outset that, as relates to complaints touching the discipline, all his reasons for voting for my removal were founded upon hear-say. It would seem that he had been around among the subordinates of the College, collecting information against its chief executive officer, which he says was given and received confidentially, not to be authoritatively used for fear of compromising, not the President, but his subordinates. When the time comes for this *ex post facto* impeachment, then all this anonymous information is to be produced. But on his cross-examination he did not scruple to object to certain statements of his own, explanatory of his reasons for my removal, being recorded; because they were, as he said, confidentially intended.

As to the severity of my discipline, he admits that he knows of but one case of his own knowledge. To dispose of this case, I will merely say that it occurred on the 9th of January, 1864, and I will only refer to the records of February, 1864, and subsequent, for my report on the subject, with the certificates, &c., and the action of the Discipline Committee and of the Board, which adjudicated and finally disposed of the whole subject, thereby taking upon themselves the whole responsibility. All these facts, however, Mr. Boswell said he

did not remember. But whether any censure was passed or not upon the Prefect who administered the chastisement, is no concern of mine.

Mr. Boswell also goes back four years—to December, 1863—for a case of violation of rules and of the rights of officers. I will dispose of this case too, by stating what Mr. Boswell did not remember. In my report, submitted to the Board in December, 1863, will be found a full statement of the circumstances of the case. This report was discussed at the January meeting of the Board, 1864, sixteen members being present; and my action was sustained by a vote of fifteen to one, the only nay being Mr. Boswell himself.

Next he goes two years back—to November, 1865—to the case of Mrs. Linn. In every allusion to this case, the effort has been made to draw off attention from the merits of it to Mrs. Linn's losses by the war. I do not think that they have any more to do with the question than mine have; for which, however little they may be regarded here, I at least do not ask anything. I reported an insolent note of her's to her superior officer, together with all the circumstances accompanying it, and giving rise to it. These, together with her general fitness, were fully discussed by the Board, fifteen members being present, and my action was sustained by a vote of thirteen to two, Mr. Boswell again voting one of the two nays. With the other member voting nay, I was privileged, through his well known urbanity and frankness, with a discussion of the whole subject, and I believe we disagreed only as to the strict legality of the act. I deny being in any way concerned in the trunk and entry story; nor can I, after diligent inquiry, find any foundation for it except in falsehood.

All these affairs being thus taken out of my hands and disposed of by the Board itself, why—after this lapse of time—is an attempt made to fasten (right or wrong) the responsibility on me? and why could not these matters be brought forward, that the record might be shown at the time my removal was proposed? It is too evident, sir, from this, that I am to be made the scape-goat for the sins of my masters. Mr. Boswell said before your Committee, *in a sort of stage aside*, which I did not lose, that “the Board, as then constituted, would have approved of anything.” That's where the shoe pinches, Mr. Chairman; it is the old story

over again, of the juror to whom the obstinacy of those eleven men was perfectly incomprehensible.

Of a like character is the long-treasured objection that I was educated at West Point. Does he mean that the education obtained there is so bad that merely to name it is to condemn? or is it perhaps too good? Are the virtues of punctuality, faithfulness and self-denial, and the tendency to inculcate them, too strong a diet for the youth of our republic, those whom we wish to bring up as sturdy, self-reliant citizens? Sir, whatever there is of good in military education, is not good because it is military; not at all, sir. It is because the good soldier practices punctuality, obedience and self-sacrifice; virtues which would much better adorn the Christian, the citizen, and the man of the world. But I deny that I ever attempted to introduce any military feature into the administration of the College. On the contrary, I discountenanced everything of the kind. I abolished all uniforms and playing soldiers with drums and wooden guns. The pupils now proceed in ranks and in an orderly manner to and from their duties, and that is all; for otherwise they would be nothing but a noisy crowd.

When I took the College I found a good deal of the military fever existing among the children; and as far as danger to the City is concerned, I told them that I would myself take charge of them, find a place for them, or lead them; but if the emergency had arisen, I did not expect to command little boys, but men. A few of them, under some understanding that I had nothing to do with, brought me forged and false permits, pretending to come from parents or others—a proceeding entirely unnecessary, as the College alone, as legal guardians, has the right to grant such permission, even had the pupils been of the legal age, which was not the case, and could not be.

Now, sir, about those five boys that were expelled at that time, (four and a-half years ago,) my action had the sanction of the Board; and even if it would, at that time, have approved of anything, it alone is now responsible, and I protest against its sins being visited upon me in this generation. There was no rebel raiding in the matter at all. They ran away, enlisted in a permanent cavalry regiment, contrary to military law and the best interests of the service. They threw away or destroyed their clothes, and when returned to

the College under a writ of habeas corpus, the military authorities left them naked in our hands. During the interval between their return and the action of the Board, they exhibited an exceedingly turbulent and disorderly spirit; swore they would never stay in the College, that they would break the lock-ups to get back to camp, &c.; and two or three of their very youthful and indiscreet comrades, in uniform, climbed the wall, and with drawn sabres reconnoitred the infirmary, with a view to a rescue. Now, sir, had this sort of thing been countenanced, I think any reasonable man will say that the whole discipline and training, and even the very object of the College would have been defeated. Therefore my judgment was, and is now, that it was best for the good of the whole to make an example of these, and put a stop to such proceedings. That course produced the desired result. Some of these boys were bad boys, and some of them good. I regretted the affair very much, and was in constant communication with their friends, who were all exceedingly anxious to get them out of camp at any sacrifice.

But in this case, besides the interest of the boys, the good of the country was better served; for I know, of my own knowledge, who encumber the hospitals in campaign, and who crowd the rear in action.

The law forbids all such enlistments, and for one, I firmly resisted, while clothed with that responsibility, the admission into the army of all that innocent "food for powder" brought forward merely to fill up a company roll, and place a captain in the enjoyment of his office and pay. And I speak for myself, sir, when I say frankly, that my object was not to put those boys into the army, but to get them out of it; and in using my opportunity to separate them from the College, I acted sincerely (and successfully too) for the good of the whole.

Another reason of Mr. B——'s is an alleged want of care in the distribution of supplies. This charge by the Chairman of the Household Committee, the sole duty of which is "care in the distribution of supplies," is both tardy and strange. I do not like to suppose that he intentionally ignores the fact of my reporting the Steward for knowingly and repeatedly neglecting to report to me the state of his department; also, that I brought before his Committee the condition of the Steward's books. He doubtless can remem-

ber some of our frequent conversations on such subjects. Mr. Chairman, I particularly wish that your Committee would be kind enough to look at the Steward's stock-book. It will there be seen that the book was opened on the 1st of August, 1863, (one month after my inauguration,) by a model page, set forth in my own hand-writing, that it was kept faithfully and continuously up to the 31st of July, 1866. From that time until the 31st of October, 1866, it appears in my name and hand, as Acting Steward. On the 1st of November, 1866, the number of pounds on hand of sugar, rice, tea, coffee, &c. &c., appear (without any requisition) to be issued pound for pound, gallon for gallon, and article for article, to the Matron, the amount on hand *set down as "naught,"* and the book closed. Following this will appear eight months of the account, prepared by my own hand, and filled up from the requisitions which I required the Steward to furnish me for the purpose. This clerical labor I undertook in order to try and set things right. And what was the result? In reply to my report of his neglect, (see Rules, Art. Steward,) it was sufficient to say that no disrespect was intended; and in regard to keeping the accounts, it was sufficient to say that he didn't know how.

And yet he has fomented passion against me among his friends in the Board, by complaining that I had done nothing but throw obstacles in his way. I will here read a communication to the Household Committee (the original is in the possession of the Chairman of that Committee.)

June 21, 1867.

MR. CHAIRMAN :

An occurrence took place last Wednesday, which I think proper to mention to the Committee, not on account of its great importance in itself, but in order that I may allude to the unhappy want of harmony between the Steward and Matron. On Wednesday at one o'clock the Matron sent to me a written request to have certain carpets shaken, assigning good reasons why it should be done immediately. The Steward being out, I sent the men, and had the carpets done at once. In the afternoon, the Steward came to complain to me of my infringement of his rights, and want of courtesy, in doing what I did. I referred him to Section V., Par. 1, but

he demurred to my interpretation. However, he added that *I* had thrown every obstruction possible in the way of his performing his duty, and that he had felt that, ever since he had been here.

Now, Mr. Chairman, I have heard this before, and am well aware that assertions to that effect have been currently circulated; but I have studiously ignored it all. I have it now from the Steward himself, and I take this occasion to meet the allegation with a positive and emphatic denial, and to challenge the proof; being, in fact, perfectly conscious that the precise contrary is the truth, both in thought and deed, as I am abundantly able to show. The truth is, Mr. Chairman, that it can no longer be concealed, that the Steward and Matron are very hostile to each other. I have done my best to make peace; but I intend, if possible, to avoid bringing reproach upon myself from either party. The work of the College cannot be successfully carried on without co-operation and good-will. I make no charges myself; but the state of things to which I allude is doubtless well known to your Committee by means of private complaints to individual members of the Board, and I beg leave to say that, in my opinion, such complaints are precisely what is most destructive of harmony and good order. *Ex-parte* statements are listened to, prejudices are formed and fostered, and partisanship is created; and such will ever be the case as long as every or any officer or employé of the College feels possessed of a power to sway the management of the institution according to his or her notions of what is right or wrong.

I desire, sir, that these matters may be looked into, and that the Committee may satisfy itself as to the facts of the whole subject, and find some remedy for this unfortunate condition of affairs. I, for one, am ready, as ever, to do everything in my power to heal any difficulty that misapprehension may have given rise to; but I wish that such should be fairly and candidly stated. I approach this subject with as earnest and sincere a desire for the peace and good of the College as I know how to express.

R. S. SMITH.

That was my communication to the Household Committee on the 21st of June. I gave it to the Chairman, sir, and he, in consultation with myself and Mr. Heaton, concluded that

it would, perhaps, as the vacation was coming on, be as well to postpone it until after the vacation was over. There would be no meeting in August, and I requested him to say that it should be used for the purpose intended the first opportunity that he saw. Nothing came of it, and the 11th of September settled the whole matter.

And as to other matters relating to the Steward, I will speak of them on another occasion. As to the bad repair of the buildings, lavatories, &c., I think the testimony before you shows that I spared no efforts in that quarter, and that the responsibility belongs to those who had the disbursing of the funds. You will find that \$7,000 or \$8,000, appropriated to repairs, were spent on a new heating apparatus for the main building.

Mr. Boswell also states, as a reason for my removal, that mothers wanted their boys out of the College because of bad treatment. Mr. Boswell admits that he has no knowledge, either personally or by proper investigation, of these cases of ill-treatment, nor does he specify any such applications. But it is in evidence before the Committee that mothers have frequently tried to get their children out, after the College had taken care of them during their infancy and partially educated them, because the labor of the boys might be of some advantage pecuniarily. He also states that I had transferred pupils to the House of Refuge without the authority or knowledge of the Board. To do that is not only an impossibility for the President of the College, but the records and testimony will show the error of the statement.

• Mr. Fry. The first charge brought by this Director relates to the dilapidation of the buildings, and particularly the lavatories, which he pronounced a *nuisance*. The evidence before you, sir, will place the responsibility for such things where it belongs; not that I intend to accompany the responsibility with any blame. If the Board of Directors, who alone, and not the executive of the institution, are charged with the distribution and expenditure of the funds, if they choose to transfer \$7,000 or \$8,000 from the appropriation for repairs and apply it to the introduction of an entirely new system of heating the College building, it is not for me to find fault with it. All that I am concerned in is to place this reason for removing me from office in its proper light. For more than two years I have, from time to time, urged

the renewal of the lavatories, and the arrangement of the water-pipes as they are in an additional lavatory that I built in 1864, (when the number of pupils was increased to 600,) that is safe from freezing. It was not done, however; and although occasionally the subject was referred to Sub-committees, I never received orders to do anything except temporary patching, and that was about September last, and so of the grounds and buildings generally. The rules relating to the Steward have been read to you, and that officer, in his testimony, accepts the responsibility, under the rules, of the care and repair of the grounds and buildings. He also admits my frequent directions to him concerning the out-buildings, &c.; but as to holding him to his responsibility by reporting him to the Board, *one* experiment was enough to show me whom the rules were made for. Why, sir, where five months open and (through instruction and warning from me) knowing violation of an explicit and important rule was passed over with impunity and a charity truly admirable, the official conduct of the President must undergo a secret and microscopical examination in the light of these same rules; but no charity for him, sir. Yet this Director affects to east upon the President the responsibility for *everything*, and votes to push him out of his chair at once. Your Committee, sir, can judge the reasonable limits of responsibility, and in the light of the evidence before it, will doubtless afford protection against such harsh judgment and condemnation. The next reason for removing me is, that the boys are "stood up" in the play-grounds for punishment. A reference to the Rules (Discipline) will be sufficient to dispose of this. I assert that the boys are not confined to one place and one position. The object of standing them up is (as authorized) to deprive them of play.

The testimony of Prefects set forth the nature of the discipline and punishment. He next states that a certain pupil (H. M.) was deprived for eighteen months of the privilege of seeing his friends. If this were so, it might still be right and proper; for it is not at all improbable that there might be a pupil whose conduct would (under the Rules) justify such detention. But, sir, it so happens that the case alluded to was inquired into (I not being present) by two Directors and a member of Councils, and the discovery was made that during the period complained of, the boy had been eight times out

of the College, but had not been during that time with his mother on any of those occasions. He further states, that in his opinion, I am "indolent and a lover of my ease." In this opinion I think that (with the exception of one other Director, who said *he* wanted a man of more *vim* [*whatever that is*] he stands alone.) His opportunities of forming a judgment upon personal knowledge are perhaps not so good as he thinks. Among all his numerous visits to the College, I suppose not more than three or four were made in the forenoon. Such morning visits were for the purpose of proceeding to visit certain places, with a view to purchasing machinery, or some inspection of machinery, &c., and on such occasions I always accompanied the party in its rounds. I protest against the accusation of indolence on such occasions, and challenge the specification of a single symptom. The forenoon, however, generally, though not exclusively, was the time devoted by me to visiting the schools; and I can safely say, that in my very frequent visits, I never saw him there.

Referring to the Rules (§ 1, par. 3); which, as Mr. Arey has testified, is a *new one*, and did not exist before, it will be seen that my company was not expected at the visitation of the schools by the Committee, of which Mr. Fry is a member; hence it is very easy to account for the assertion in his testimony, that when *he* visited the schools, he seldom, (he did not say *never*,) saw me there.

And here I will say, sir, that since the adoption of these rules, excluding the President from conference with the Committees, I have never received more than six or eight invitations to attend their meetings; and in many instances, when I had important suggestions to make (the lavatories I remember were of the number) I was obliged to ask for an invitation to be present.

Upon one occasion, at least, Mr. Chairman, I spared no pains, when Mr. Fry ought to have been "*there to see*." The orders of the Board require me to conduct the term examinations of the graduating class in the presence of the Instruction Committee, the Board of Directors, and such strangers as they may invite. I accordingly, about June 30, 1867, made preparations of some formality: moved black-boards, seats, drawings, &c., into the Directors' room or library of the College, and commenced my examination an

hour after the time appointed, continued it, and closed it, without the presence of a solitary visitor.

In the afternoon I have frequently seen Mr. Fry about the grounds, at such times as I have been sitting in the play grounds or leaning upon the rail talking with the boys, or walking deliberately around among the buildings.

Mr. Fry and Mr. Roberts were a Committee in charge of the steam heater in the main building, and beyond the first two or three meetings, I was never more than once or twice asked to accompany them in their inspections, and therefore saw very little of them except at a distance. But I claim that I was attending to my business, nevertheless, and actively, too.

At no stated duty, late or early, have I ever been derelict, nor have I ever absented myself from such, without, not only good, but evident cause. And without boasting, I may say, that I have shut myself up in the College, and engaged my whole time and might in the performance of my duties.

In relation to the communication of Mr. Becker, touching the Rules, which Mr. Fry complains of as being *instigated* (that is the expression) by me. I deny positively any instigation in the invidious sense intended by the word. Mr. Becker has stated the facts: that on hearing his own opinion and former experience, as well as that of other teachers, upon the subject of the single rule (and that one only) taking away from the teachers the right of correcting disorders upon the spot, I asked him to give me his views in a written memorandum, as my habit always was when any alteration or improvement was proposed by any of my faculty. He did so, and so far from *instigating* the remarks upon other portions of the rules (which remarks I think produced the caustic report on the subject,) they were entirely new to my mind; for the rules there criticised were matters of perfect indifference to me.

The paper as it was, I handed unofficially to the Chairman of the Committee on Instruction, with a view to future consultation with him in the interest of the school discipline.

If he chose to lay it before the Board, I certainly have no right to blame him; though I do not think he would have done it, if he could have foreseen the irritation it produced. My own suggestions of modifications were made upon the printed copy furnished me for that purpose. They were

respectful, not bearing at all upon anything personal to the President, but ignoring my own ideas of his duties and rights.

Some of my suggestions were adopted, and others not; and my medium of communication was, *ex officio*, the Chairman of the Committee on Instruction. I think he has in his possession the printed copy upon which I penciled my suggestions for modification.

I had hopes, however, after the final adoption of the rules, that when the irritation before alluded to subsided, that a modification of the rule restricting the teachers as to punishment by their own judgment might still be obtained, and it was in relation to that rule (and to that one only) that I spoke to the officers. I advised them against too sudden a change in their relations to the boys in the matter of discipline, and suggested that in order to avoid trouble and disorder they would better consider themselves authorized beforehand to punish as before, and report to me any cases of difficulty. In the mean-time the attempt to change the rule failed, and I instantly directed an exact compliance with it as it stood, and that has been done from that day to this.

Such are the facts that have been distorted into wilful and petty insubordination on my part. Those who testified to that effect could only have gotten their information at second or third hand, from persons only too willing to misrepresent me. I do not myself hesitate to date the first decadence of the discipline, from the day when the pupils learned that their officers had no more authority over them than their well known and accustomed *Monitors*. And the finishing blow was given to it by ejecting the chief officer of the College, in the interest of exempting the bad boys from punishment. Witness the exhibition of self-will running riot in the numerous abscondings occurring between the 17th of September and the middle of October.

I do not know that it is necessary to more than allude to some items of the testimony of the other members of the Board. They are very much alike. Mr. Gill said that he wanted to get a boy out for his brother's funeral. Now, sir, it is not necessary to have intercession for that, for the rule of the College in regard to funerals, permits a boy to leave the College for the funeral of grandfather, grandmother, mother, brother, or sister; that is, the immediate family; because it

was discovered that when cousins died there was no end to the number of boys going out. It was a great inconvenience, and the rule was established in that way, though not a written rule.

Now, sir, he said I said it was contrary to the rules, but if he states it correctly, it could not be so; the rules allow a boy to go out to his brother's funeral, "but the President afterwards let the boy out for Mr. Vaux." I do not know that that was such a very great crime. I think Mr. Stokley will remember one instance and the only other one, where I did make an exception in a particular case. I believe those are the only two I ever made. If it is a crime worthy of removal from office I will admit it.

He spoke of the case of the boy whose mother wanted his vacation changed; well, sir, in explanation of that I would say, it was impossible to do it; because, if you do it for one you would have to do it for all, and I had already refused some twenty others. The vacation was arranged to suit the teachers of the school; it was important to keep it steadily upon that footing, and while I was away for two days the application was made to Professor Corson, by at first a very kind note from Mr. Heaton. He says: "If not in violation of any fixed rule of the President of the College I should be glad if the boy's vacation be changed." Col. Foust adds, "I cheerfully unite in the above recommendation." But Mr. Gill takes the paper and writes: "You will please change the time from the second week of August to the first. I understand his mother is employed, and this is the only time in the year that she can have her vacation."

Yours respectfully,

R. T. GILL,

Chairman of Committee on Admission."

When it came to the positive order, I saw at once it would be a bad precedent to set, and I therefore declined to make a change, and accompanied my declension with a polite note, and stated frankly the reasons; if there was any wrong ever done sir, there was an opportunity to bring me before the Board. I stood on my official rights, simply, respectfully, and firmly. It should have been brought before the Board either at that time or at the time they chose to vote

for my removal. Then he mentions the case of G——e B——d. During the time sir, that that visitation was made to the lock-up, I was away from the City; I was called by family affliction to Uniontown. When I left the weather was extremely warm, and I told Miss Hare, the governess of the boy, to be careful to keep the room warm, and showed her how to do it. She said that I told her it could be done until the carpenter could be sent there. Before I returned the weather did change, but the boy, when I came back, was in the second story of the infirmary, in a warm room with a carpet upon the floor and a bedstead in the room.

At this time there was some dissatisfaction on the part of Miss Hare, because I then changed my system of taking care of the boys in the lock-up. I had formerly given it to the men. I found it was not so well done, that they were apt to slight the matter sometimes.

I said to Miss Hare, (the first one I told so,) I am going to have the Governesses take charge of their own boys, and I believe she did not like it—none of them did—they wanted the men to do that too.

Mr. Horne, besides many other things that the others have said, said “that I was incompetent for the want of paternal care and attention to the boys.”

I suppose, Mr. Chairman, I might overload you with evidence to the contrary of that; as to opinions, certainly. I deny it myself. He said that I disobeyed the rules when the Steward was dismissed. There is no specification; I can conceive of no act of disobedience upon my part.

He said that I told Mr. Field that he would do right in resisting. I do not know that he knows anything about it. I do not remember telling Mr. Field so.

He spoke with considerable ascerbity of my using disrespectful language towards the Directors personally, on the subject of their making the rules. Now, sir, Mr. Heaton's testimony has touched upon that same thing; such reports were spread, and in an exaggerated form I know, and I think I know the source from which they came, and by which they were carried to Mr. Roberts. And, sir, I know—I say it under my obligation—that it was not as Mr. Roberts stated it at all, nor as he heard it, but it was something like that charge stated by Mr. Heaton which he described in his testimony. I disclaim all such disrespect. I never said nor ever

meant anything, except particularly saying, men that had their own business to do were not so capable, in regard to these things, as the man whose profession it was, and who was paid for it.

He spoke of the lock-up being very foul. Now, I will make a short explanation of that matter. At the time that young R——t S——h was dying with consumption, it was found inconvenient to have the lock-up in the infirmary, on account of disturbing and irritating the boy, and I moved them over to No. 2, into the two empty dormitories that were there; and that was about, I think, in July, or in the early part of August. These lock-ups were not in good order, and the boys that were put up there broke the glass from the windows, and took pieces of glass and tampered with the locks and opened them and got out. I found them in the grounds myself, just going to the walls to go over. I took them back. At another time they were found dancing in the hall or entry, and enjoying themselves generally. Still I could not keep the doors locked. I tried to have them repaired; I sent for the Carpenter to repair the locks to the larger door, and while that was going on, Miss W——e, the Governess, put two boys more in the room where there was but one. This was the very afternoon that these gentlemen of the Board were up, of their own accord, to look to this matter, without giving me notice. I had sent a Prefect up to the room, to inspect it, and this without any knowledge at all of what was going to happen; and he reported to me afterwards that he had not been able to get in; that he had the key, but the lock was partly sprung and he could not open it, and during that time—I suppose from noon until six or seven o'clock—that room was shut up, and I am obliged to say there was a very bad boy there, who, I am sure, did things to make the atmosphere bad, and which he need not to have done. The rule has always been to have the proper means for them to relieve themselves, at times between their going down for that purpose, and I directed the purchase and furnishing of disinfectants for the purpose of keeping these things nice and sweet.

The condition of that room was exceedingly bad, that it smelt very strong of urine I have no doubt, but I think there is nothing injurious in that; it was in that condition, but the other rooms were in good order and condition, and they always were. My responsibility for that matter I am willing

to take, as far as reasonably lies with me ; but, of course, neither in that matter nor in others could I be everywhere at the same time. The boys had always plenty of bed clothing ; and the reason for taking off their shoes has been explained to the Committee. The doors of the infirmary had been kicked through two or three times, and the lath and plaster partition has been torn down by boys. I was surprised at it. There has never been anything like a prison there ; boys have merely been kept under lock and key. We never thought they would do anything like breaking through doors and kicking down of lath and plaster partitions.

He said a good deal about loyalty, which I shall not notice just now.

He spoke of the ease of F—— F——r ; that I will speak of at once. The testimony of Dr. Hollingsworth and the sworn testimony of the Nurse give the facts, which I will corroborate now under my obligation. That the little boy was not dragged out of bed, or in any way forced from the infirmary to go to the chapel, so far from this is it, that I would say that the boy was a particular pet of mine, and of my family. I had had him at my house. He was an engaging little fellow ; could hardly speak plain, he was so tender in years. It is hardly worth while to recapitulate the statements that have been made, but I did take the boy from the infirmary precisely under the circumstances detailed by Dr. Hollingsworth and the Nurse. I found him lively, cheerful, and walking about, and it being a beautiful morning, I asked him, with the best intentions in the wor'd, whether he would not like to go to the chapel. I knew he liked Mr. Lex, that Mr. Lex had prayed with him when he was sick before, and he consented to go.

It seems to me that Mrs. F——r and Miss Hare have been brought here to contradict Mrs. Lewis, for they wished to make it appear that she, Mrs. Lewis, complained at the time of my taking the boy out. Whether she did complain or not I do not know ; at any rate, under oath, she says she did not, and she says that there was no cause for complaint ; and I repeat that my conduct to the boy has been uniformly parental and truly affectionate. I often sent him things from my house to please him, both food and toys, and I repudiate anything like an imputation of cruelty, or want of tender care to that little boy ; it is not in me, sir.

Colonel Foust has read to you a very carefully prepared statement of his reasons.

He says, in the first place, "that the moral principles of the pupils were not developed," "and hence their expulsion."

That is a sweeping charge, one that I also might rebut by as many opinions as you could bear to hear. But there is no specific allegation bearing upon the subject whatever. He says "that I had not secured the affections of the pupils or officers there." I dispute that also.

"That I was not capable of giving oral instruction." "That I never alluded to patriotism." "That I was disrespectful to mothers." Now, sir, I deny all these; and as to disrespect to mothers, you have it in your testimony that a great many of them give a great deal of trouble; but whenever their wishes are thwarted they will complain. But you cannot carry out the rules of the College without giving offence in that way, and that is called being disrespectful to mothers.

One singular assertion that the Chairman on Discipline makes is, that the examination of boys before that Committee was unfair because I was present, and because some of the minority of the Board were present. I suppose he supposes all the persons present were my friends. Now, sir, that is an extraordinary charge; for I do not see why he was not able to ensure a fair hearing of the boys; and if he thought my presence was injurious, he might have asked me to retire. I never interfered with the examinations, except to assist in the way I knew would bring out facts; but the boys invariably failed to give any good reason for running away, or for any other offences, if they were tried by the Committee; and I have seen the Chairman, under some excitement, protest that he could not get an answer out of the boys as to why they run away. Sometimes the boys would say that they were punished; sometimes they would say that they did not like it in here; sometimes they would answer in this way: "Have you good treatment?" "Yes." "Plenty to eat?" "Yes." As that was not a satisfactory answer, it certainly was not a satisfactory ground for running away; that I grant.

Colonel Foust said "the police arrangements were bad; boys were allowed the range of the grounds, and therefore have got into the arches, and over the wall, and destroyed the shrubbery," et cetera. Now, sir, this is a great mistake.

The Chairman no doubt has seen boys walking about the grounds frequently; and there are such boys there—of the third degree of the Class of Honor—that have the freedom of the grounds. They are boys who, like young gentlemen, are trusted to walk anywhere they please. They are not even obliged to attend with their sections at the study hours. They have a dormitory, where they stay alone; and such confidence is placed in them, that they learn their lessons without supervision. The Chairman has seen these boys walking about, but these are not the boys that go over the wall; very far from it. The boys that did that were brought before the Committee, and it was in that way that the Chairman got to know of the boys going into the arches; I mean the arches under the marble roof.

Then the Chairman related a story of the little boy that was punished after a touching appeal. That is my thunder, sir; that is my story. I told the Chairman that story myself. I told it with some pride, as an instance of the good effect that true parental discipline has compared with what the little boy had been accustomed to before. This little fellow had been brought into the College in the morning; he had not been six hours on the grounds. I was down at the play-ground, and I heard him rip out a tremendous oath, together with obscenity such as you can hardly imagine; and when I asked him if it was he, he denied it, and said that it was that boy off yonder; then I took him down to my office and explained to him his new position, how he should act, and also the crime of that kind of thing; that it was profane and blasphemous. Then I said to him, “D——s, I am going to correct you for that now;” and immediately the little fellow got very much frightened, and he said, “Don’t beat me! don’t beat me!” I said, “I am not going to beat you, my boy; why are you afraid?” His answer was, “My mother does beat me so.” “Why how does your mother beat you?” “She does beat me with an iron bolt.” “I am not going to beat you that way. I am going to punish you as your father would, if you had one.” I then gave him a slight punishment—almost a nominal one—a punishment that really amounted to nothing, and continued my conversation with him until I got him perfectly reconciled to his position; and, sir, that boy, for a year afterwards, never approached me that he did not take hold of my hand, and I held him up as

one of the best boys in the section, if not as good a boy as there was in the College. That is the story that called tears from the eyes of the Chairman, in telling his story, which is not his. I regarded it, sir, as quite a feather in my hat, in the matter of discipline, and I do now. And the boy is there to-day. The other matters that are testimony I will speak of in another place.

He also states that I introduced the Latin language into the College in violation of Mr. Girard's Will. He must be very little acquainted with the Will if he would say that. The words of the Will are, "I do not recommend." But he goes out of his way to say, "I do not forbid the Latin and Greek languages."

The Rules, Sect. III, Par. I, say, "The teachers and instructors have charge of the education of the pupils during the hours they are under their care." "They shall give instruction in *such branches*, and during such number of hours each day, as *the President*, with the advice and sanction of the Committee on Instruction, may direct. They shall ascertain, by frequent reviews and examinations, the progress of every pupil, and the thoroughness of his knowledge."

While I am upon this subject I will read a resolution communicated to me by the Secretary, to show how sharp an eye was kept upon me. This resolution passed February 14, 1867, (offered by Mr. Haines.)

"*Resolved*, That the President of the College is hereby directed to inform this Board in writing at its next meeting, whether the teaching of the Latin language has been introduced into the College, and if so, by what authority, and also by whom the language is now taught, and whether the teacher is, in the words of the Will, "of tried skill" in the instruction of the language."

I answered that in a manner perfectly satisfactorily to the Board, and stated that the Will positively abstains from any prohibition of the Latin language, and expressly enjoins "other learning and sciences," besides the studies named therein.

Then I referred to the paragraph in the Rules :

And 4th. I say the Board itself approved and authorized a text-book for the very purpose. Before this resolution was offered, it also consented to, and approved a programme of study, including the Latin language.

Col. Foust also brought up an allusion to the cases of the boys who committed fornication, and that subject we have set in its proper light by the testimony of the President of the Board, who told you all about it.

I reported that to the Board the moment I heard of it, and it was acted upon by the Board.

I don't know that I have much to say upon the other testimony particularly.

Mr. Rhoads complains of a want of cordiality between himself and me. Mr. Chairman, I beg leave to state that although my social intercourse with the Board has been slight, yet Mr. Rhoads was the exception. I became acquainted with his wife and I asked my wife to go and call upon her and visit her in the City, which she did, but the acquaintance was not accepted, so that if anything the cordiality exists on my side and not upon his. He says I never consulted him. Well, sir, there are twelve members of the Board who could say the same thing; when in all consultations of business my habit has been (I think it is a true one) to see the Chairmen of Committees upon the subject that I wished to bring before them, preparatory to bringing it before the Board.

He said that the want of harmony in the Board was on my account, which I cannot conceive of; and he said "But for that a kinder method of removal might have been adopted." He also says, "The boys would never tell the truth about the causes of the abscondings, because of my and my friends' presence."

Mr. Truman being a new member of the Board, of course knew very little of his own knowledge, but he said "he considered the treatment of the boys brutal," and that "the bedding in the dormitories was bad, that quilts were cut in half, and were very small."

Mr. Chairman, we look upon these things from different points of view; for my part, since questions have been asked here, as to whether I ever spoke in a manner to lower the standard of the institution, I say that I did not, and I have always maintained that bringing up boys, especially like these boys, who are to depend upon themselves, and be self-reliant in their character, that it was better not to pamper them too much in their domestic life. I think that to a certain limit, we should accustom boys to a moderately hard living. I should not say hard even, but to a simple mode of life, and that is

my opinion. I express it fearlessly, and I have no doubt that any one reasoning upon it will come to the same conclusion. At any rate Mr. Girard says in his Will, "they shall be fed with plain but wholesome food, clothed with decent put plain apparel, and lodged in a plain but safe manner.

I do not care to press my opinions upon this matter, but I think that the appliances of the College have been a little more delicate, and tend more to cultivate a softness in boys than they should be, and I have said so in my official reports to the Board.

I have endeavored to establish the principle that the boys must learn to work—and to teach them all to work—and I think a part of that good system is to teach them also to support moderate hardships, not to pamper them with too much delicacy.

Other Directors have testified that they saw nothing out of the way in the matter of the appliances of the sleeping and lodging of the boys, perhaps they would agree with me; others may differ.

Mr. Truman, in speaking of the boys having frosted feet, he spoke of the little boy * * * * *, who was in the lock-up; and he said that he was a consumptive boy. The Nurse says no. Dr. Hollingsworth knew him, and was present at the time when I sent him to the infirmary, when he was brought in from running away. I sent him there to please his mother. There was nothing the matter with the boy excepting that he had been roaming the streets. I gave him the usual course of treatment that I give the other run-aways. He is not consumptive, and never was. But, I will say for him, he is one of the worst boys in the College. The most unmanageable. This he shows by both pilfering and lying.

Mr. Truman complains of seeing bones lying about the dining rooms, about five o'clock in the afternoon. I suppose the Matron should have seen to that herself. I did not see it.

Mr. Haines was one of the early witnesses.

This Director states, as his first reason for removing me, that I refused to recognize Mr. Hartley as Steward.

Sir, the Board of Directors could not, or at least did not, recognize him themselves. The new Steward and Matron were to enter upon their duties on the 1st of August, 1866. A few days previous to that date, at a meeting of the House

Committee, a Sub-committee (of whom Mr. Henry Simons was one) was appointed to attend at the College, August 1st, to receive the new officers, and install them. I was not in any way connected with this Committee, nor was my name or office mentioned, and I supposed the omission was intentional.

The 1st of August came; but the Committee did not. The new officers came, and I received them politely, in my private capacity, and informed them that the Reception Committee had neither attended, nor delegated their duty to me.

The House Committee met in the afternoon, and I informed them of the presence of the new officers. The Committee then proceeded to install the new officers, by appointing a Committee of two (Mr. Simons being one) to procure the keys of the store-rooms from Mr. Field, the ex-Steward. The Committee returned, and reported that Mr. Field refused to give them up; upon this, the Committee, out of deference to the Supreme Court, before which Mr. Fields' application for relief was pending, concluded not to inaugurate the Steward; and it was not done until November following.

In the case of the Matron, however, no resistance was offered, and the Committee delegated to me the duty of installing the new officer, which I cheerfully did, by showing her all through the Household.

In the meantime the difficulties with regard to the Steward would have continued, without, as far as I could see, any prospect of a solution, if I had not, prompted by a sincere desire for the peace and good of the College, voluntarily come forward and offered myself to the Committee as Acting Steward. My offer was at once accepted, and the usual fund (\$1,000) was placed in my hands, to be expended and accounted for as Steward of the College.

Mr. Field readily surrendered all his keys to me, subject to the condition that I would return them if demanded under legal advice from his counsel.

In order to spare my own time I employed Mr. Field, a few days, on my errands in the City. This being "*found out*," as this Director expresses it, I received an order forbidding me to employ Mr. Field in any way about the College; which order I obeyed, of course, and got one of the Prefects to help me from that time, until I was relieved by Mr. Hartley, November 3, 1866.

I also received an order to furnish Mr. Hartley with an office. Mr. Hartley states in his testimony that he had no business to do, and that I offered him the use of my office. This is true, and unless he said what he did not mean, was perfectly satisfactory to him. The house assigned to the Steward is a large one, and that officer has always had an office in it, besides, a desk in the upper store-room of No. 5; even though it was separated from the laundry on the one side, and a school-room on the other.

I happened to know that Mr. Hartley used as a kitchen the room that Mr. Field had for an office, and the other kitchen being a detached building, I *was* so rash, in speaking of the subject, as to recommend it for an office. Mr. Hartley desired to empty and use as an office the square *dormitory* at the south-west corner, first floor of No. 2.

To that I objected; but I gave him a room of the same size on the first floor of No. 3.

I confess I did not see the expediency of this order, but in a difference of opinion upon that subject, the President must give way. Since my removal out of his way, the Steward, without any authority but his own, has turned the beds out of a dormitory in No. 4, and occupied it as his office, (as stated in his testimony.)

Now, Mr. Chairman, what becomes of this charge of my not recognizing the Steward? At any rate, I deny it *in toto*, and I say that what I have stated here in relation to it, I state of my own knowledge, for I was present all the time.

The next reason of this Director is, my not obeying the rule as to my substitute, in case of my absence; that is, that I did not hand the College over to the Secretary. On Wednesday, August 7th, I left the City to take my family to Hartford, intending to return on the following Saturday, and I reported myself to the President of the Board for an absence of that duration only.

Now, sir, my understanding with the Secretary was distinctly that I was not to call upon him for an absence of three or four days, or a week, but only in case of continued absence, such as thirty days vacation, or disability; but I was unavoidably detained in Hartford by sickness (a daily ague) until the 19th, when I returned, leaving my family there.

But, finding myself thus detained, I in the meantime wrote

to Professor Becker on the subject, and he informed me the Secretary had himself left the City.

I returned as soon as possible, and unexpectedly found that Professor Becker was ill in bed, and that Professor Stevens was kept from the College (at Plymouth) by a severe carbuncle.

Thus two out of three of the Professors who were on duty during that period of the vacation, were disabled, and that was the period, a part of which we had agreed should be assigned to the President. I, of course, remained on duty.

Mr. Chairman, every officer and teacher of the College enjoys thirty days relaxation during the summer, one-half being absent at once. My sense of my responsibility has always been greater at such times; so much so as to restrain me from being much absent from the College. Twelve days, and that only on two occasions, is the longest I have ever been away; and I learn from my journal that all my absences, during four years and four months, amount to forty-three days.

Another reason stated by this Director is what he calls "the inhuman treatment of the boys;" but not a single circumstance of manner or date is furnished. He says he has affidavits; but I trust that this Committee will not regard those papers as testimony: first, because it is not voluntary, *i. e.* it has been sought out after the act, not being in existence before it; second, because parole testimony is perfectly accessible; third, because the knowledge of the affiants can be only from hearsay, and derived from prejudiced and unreliable sources, namely: the exaggerated complaints of bad boys, subjected to discipline; fourth, because the affiants themselves are not fit persons to judge and condemn in the premises; and fifth, that such testimony would be *ex parte*, and not confronted with the person accused or subject to cross examination.

He says that boys were whipped with only their night-shirts on, but makes no specification as to persons, time, or places.

I have no knowledge myself of any such occurrences, but I suppose that it is quite possible to administer a perfectly unobjectionable castigation, even with only the night-shirt on; at any rate, no allegation is made of excessive punishment

under such circumstances, or even that it was administered upon the body, and not (as is usual) upon the hands.

He says I disregarded the feelings of relatives, and cites an instance of my punishing a pupil in the presence of one of his friends.

I suppose, sir, that this crime was "found out," as the expression is, at the Gate Lodge, that receptacle of slander and *ulcer* of the institution. The facts are simply and truthfully these. A young girl called to see her brother in violation of the rules, and (as usual) was much displeased at finding that they would not be broken through to gratify her. It so happened that while she was in my office, her brother and another pupil were brought in, charged with prolonged absence from their section, supposed to have been caused by being over the wall. Her excitement was at once transferred to the subject of her brother's bad conduct, (which was nothing new to her,) and she entered upon a long lecture to him upon his behavior. I declare that I never uttered a harsh word to her, and in order to soothe her, I explained all the circumstances as favorably as I could. She still expressed her sorrow at the magnitude of the punishment that must be incurred, and then in order to relieve her mind as to that matter, I offered to clear up everything by giving the boys their punishment then and there, once for all. To this, after a little hesitation, she consented, and I gave them both a slight punishment on their hands. I say that this action was perfectly satisfactory to her, for her looks said, as plain as words, "*is that all?*" "I thought it was going to be something dreadful." After some further talk with her brother, and pleasant conversation with me about some circumstances that I knew of connected with the family in the West, she thanked me cordially, and as I thought sincerely, and went away. Whether the atmosphere of the Gate Lodge, or some other influences awakened her to a sense of her wounded feelings, I cannot say. At any rate I am informed that she was "talked over" in the Lodge by the *Coterie*, usually assembled there. I deny that there was any injury done or intended, to the feelings of this young person, but affirm on the contrary, that every motive and action was conceived and done to alleviate and soothe them, and that she went away with every appearance of satisfaction and good humor.

In regard to Mr. Holden's testimony, I will now speak upon

the subject of the examination of the graduating class, which seems to me to have excited some attention; one rule is well known to you all, "That the President shall examine," etc. Now, I suppose if I had examined that class fifty-two times a year it would cover the case. I did it very much more frequently than that; very much more so. Mr. Holden says: "The average visit to the classes was once in two months." I could not get him to say whether he intended that average to cover the whole of my service, or only the year that this graduating class really existed. He says, with a great deal of decision, "that is the average." Now, sir, it happens that I have recorded in my journal my visitations to that class, and though not entirely full I put it down occasionally. I find that his class was visited April 30, May 28, and June 7, that is more than once in two months. I have no doubt that upon other occasions I have visited it, that I did not put down in my journal, for as his room is next to Professor Becker's and Professor Becker testified that I visited his class four or five times a week, and I visited the rooms frequently, no matter which class was there, I know that I must have visited the class more than that; this record will show the average is more than thrice in two months. It seemed that he had it carefully calculated and asserted with a great deal of decision, "*that that was the average.*"

Now, his idea may turn something upon what he means by an examination. Sometimes I would go and set an example and make the boys solve it, or present some new view in connection with Algebra, or Geometry, and make them respond to my questions, and substitute myself for the Professor at the time; but on other occasions, when I found the boys perfectly still and occupied in general, working at an example on their slates, I would go around and look at the slates, look at the part of the book they were working at, and go away. He does not, perhaps, consider that a visit or an examination; it may be so. I will say also, that I do not understand that by the rule requiring the President to examine and instruct that class, (graduating class) he is to dismiss a Professor, and teach them for a whole hour. When I go in there to find out how they are getting on with their studies, I take it for granted that the Professor is to be there, for I am liable to an interruption at any time, and would be if I were left there alone and the Professor absent.

He criticises my programme, says that he had to teach the lower classes. Now, sir, I take upon myself the responsibility of that programme, and the very consultations that I have had with this gentleman, and the teachers generally, upon this subject, have been entirely prompted by a desire that they should be satisfied by the arrangement of the classes. I take the responsibility for it, nevertheless. Therefore, Mr. Holden's criticism upon my programme, I don't think, amounts to anything. If he did not like them he had to submit to them.

He said there was no regular graduating class. My opinion may be singular there. I do not consider a pupil to have graduated from Girard College until he has served out his apprenticeship, and arrived at the age of twenty-one. The instruction of a master out of the College is supplemental to the College course.

The Will says: "They shall be bound out between the ages of fourteen and eighteen." When I came there they had a way of turning out of the schools, each Summer, from eight to twelve boys, who had, as they say "learned all the course;" had done as much as they could. I do not agree with the proposition at all; nor did I approve of having these eight, ten, or twelve boys wandering about the College, professedly engaged with the Carpenter or Gardner, or with the Shoemaker. I found more trouble arising from them and their idleness than from almost any other source in the College, and it was by frequent consultation with the whole faculty, and the universal assent thereof, that we should keep the boys in school, and not turn them out as having finished their education at a certain time, that we overcame the difficulty.

Now, whether that met Mr. Holden's views or not, I did not stop to consider very closely.

I mention it, therefore, as my opinion. I lay it before the Committee for their approbation. I think they will approve of it.

Then, at my suggestion, the graduating of classes was not so frequent, and they were put on a three years' course, and did not go out of the College until they had been through the three years' course; that would bring them up to eighteen, when they must leave the College, and go upon an apprenticeship, be it trade, art, or profession.

Now, Mr. Holden says, that his amicable relations with me were disturbed by the matter of the dwelling-house.

Well, sir, that dwelling-house belonged to the department of English studies, and Professor Corson occupied it with his family. After Professor Corson resigned, a gentleman was appointed, who happened to be a single man, and on that account Mr. Holden did not think that he was entitled to the house.

Mr. Holden thought I consulted with the Chairman of the Household Committee; I spoke to Mr. Heaton and the other gentlemen of the Committee, and they rather took my view of the case, that this gentleman was entitled to the house as an emolument of the office, and was not to be deprived of it because he had no family. I tried to compromise, if he would accomodate Professor Cox with a couple of rooms, but he did not like that, nor did Mr. Cox. Then Mr. Holden went around among the Directors, and by his personal exertions procured a decision that he should have the house. I had nothing more to say.

Then Professor Cox was very generous about it, and I believe the Board afterwards compensated him with money for living outside; and he resides outside the College now.

Q. By Mr. Littleton. Was not Mr. Holden's reason for interruption of amicable relations because he understood from you that it was the desire of the Committee that Mr. Cox should have the room?

A. I do not remember any such assertion upon his part.

Now, as I understand, in all my relations with these teachers, and all others, I have always been perfectly free, and in the habit of speaking entirely without reserve.

I think I have been too unreserved, as I find myself exposed here to his remarks and criticisms. At any rate I think these things should be taken with some allowances.

Mr. Becker and Mr. Holden did not like me because my arrangement of studies did not suit their own notions, and speak of remonstrances as if I was responsible to them.

The Rules (Vide "Teachers") and the common law make the President responsible, and after due consultation, I made out a programme, and submitted it to the Committee on Instruction, by whom it was brought before the Board for approval, and by them approved.

It would be futile to try to make a distribution in any department in such a manner as to please everybody, especially

in Girard College; hence the necessity of making some one responsible. Nor can I see any weight attached to their opinion as to whether I delegated too much power to them, or to any officer of the College. The Committee has their testimony, and you will be able to arrive at an opinion.

As to the Directors, I hold myself fully responsible to them, and I see no objection to the expression of their opinion of my official course, such as I think must apply to the opinions of those whose duty is simply obedience.

In a community organized like the Girard College, I have not the slightest doubt that from the highest to the lowest there is not one who could not (in his or her opinion) manage the institution in many respects better than any possible being that might be placed at its head. And one part of Mr. Holden's testimony surprised me very much. I have not the slightest recollection of objecting to the flag's being raised on the occasion of the celebration of the Dedication of the Gettysburg Cemetery, three years ago; and still less have I any recollection of mentioning the matter in the desk in the chapel. I cannot get myself to believe that I did. I have inquired of other officers, Professors and Teachers who were there at the time, and they say they do not remember my saying anything about it in the desk. If I had, Mr. Chairman, I think I should have heard of it. I think it would have been a very remarkable fact, and I think I should be deserving of censure if I had done it. I have not the slightest recollection of it at all. I have not had time to pursue the inquiry very far, but I will place first my own negative testimony, (no recollection of it,) and the testimony of three or four others that I have mentioned it to.

Mrs. Linn was discharged on the 10th of November, 1864, over three years ago, and she left on the 15th. Now as her testimony has been detailed already, added to the fact of this matter being discussed and adjudicated upon by the Board, it is hardly necessary for me to defend it; let the responsibility rest where it ought to lie.

She said, in her testimony, that I dismissed her for incompetency; that is not exactly the fact. I thought over carefully what I should say when I sent for her. I remember it very well. I sent for her to come to my office; when she came I told her in these words: "Mrs. Linn, the time has arrived when it will be necessary for you to leave the College." She

said, "Why so?" "Because I do not think you are fit to be here." I never accused her of being incompetent; I believe she was a competent officer, as to her official character. She then said, "That woman is at the bottom of this." I said, "You have written her a note." "Yes," she said, she had. And here is the original note, sir.

October 22 1864

MISS ROBINSON

If the College cannot afford to give me better pillow-cases for my bed you will please to keep those for your servants as I have never had to use the like of them and never will while I have better I will use some I have of my own as the College cannot give me those that are fit

Yours

E LINN

On the 17th of July she called upon me and demanded her reinstatement in a very positive way. I told her there was no vacancy, that the offices were filled, and that at any rate I certainly would not reverse my own opinion in that way; and as she said, "I said *no*." She, however, was very positive, and said that she had a great deal of influence, and that she would use it against me. I told her very well, that I could not help it.

In regard to Sunday exercises in the chapel much has been said, and it seems to me a strong tendency exists to attach an undue importance to that qualification and duty. I am willing to admit, certainly, that I am no great preacher, and for that very reason have turned my efforts all the more devotedly in the direction of a closer and more private influence over the hearts and minds of my pupils. How and how much I have thus labored none on earth can know but my pupils themselves.

Suffice it for me to say that, under a full sense of my responsibility, my conscience acquits me of any omission in that respect, and I am willing to await praise or blame at His hands who will judge us all.

On my entering upon my duties I found the chapel desk supplied; as Mr. Lex has informed you, it is now supplied.

There were no specific rules at that time; but acting under the spirit of former rules, and that of the Will of Mr. Gi-

rard, I accepted my solemn responsibilities, and was guided by the principle of always having that duty performed in the best manner possible.

With few exceptions I was always present on Sunday in the chapel, and did my part in the hymnal part of the exercises, which, without my presence, must often have been omitted. I find, on examining my journal, that during the first forty-eight months of my service I have myself taken charge of the chapel exercises forty-three times.

Sometimes I would read a selected discourse from Dr. Newton, of this City, or Dr. Arnold, of Rugby school, two of the very best authors of sermons to youth; and occasionally I spoke original matter. (And here I will say, in parenthesis, that detraction, besides trying to stain my loyalty, has crawled over other actions of mine, by asserting that I did not write the address I delivered before the Polytechnic College. But I *did*, sir; and the misfortune of that address was, that it was *loyal* and *patriotic*, and therefore *borrowed*!) But during the twelve months following the adoption of the new rules, which require me to take the chapel once a month, (scarcely more frequently than had been my custom,) it so happens—not with a view to any post-mortem examination—that I *have* preached nothing but original discourses.

If I may believe the flattering attention and commendation of my audienees, and my own poor judgment, I made very great improvement, and, perhaps, in another year might have accomplished a near approach to the high standard held up before me.

As a general practice, the prayers I offered daily were short and simple. In the morning we acknowledged the Almighty care during the past night, and prayed for grace and guidance during the day. In the afternoon we acknowledged in a similar manner the favors of the day, and prayed for protection during the night.

Independently of my own private opinion as to the inferiority of long, extemporized prayers, I have heard enough said in the College on such matters to induce me to use a concise form; and to oppose the freedom of conscience in this respect, is as much a piece of sectarianism as anything else that could be complained of by anybody.

You have already in your possession some of the original sermons written and delivered by me. I have presented

them merely to show what I did, not that they deserve of themselves much attention.

The discipline, Mr. Chairman, I will speak a few words upon.

The rules say that "the discipline must be firm, yet mild." There may be wide differences of opinion as to what constitutes either firmness or mildness.

Mr. Girard's Will provides expulsion immediately on the failure of *mild means*; but it is plain that the general sense of any managers of the College would be averse to turning a boy out into the world after a *mild* effort to correct or reform him; hence the tendency would be to stretch *mildness* towards *severity*.

In the discipline of a family, no father ever thought of giving over his children to their own ways, merely because mild remonstrances did not succeed in bringing them to obedience.

Yet the Chairman of the Committee on Discipline and Discharge in these very words said, that "the boys *ought not to be punished*; they should be mildly dealt with." This is of a piece with his saying that the rule relating to the admission of mothers, &c., ought to be disregarded.

Dr. Nebinger, for many years Chairman of the Committee on Admission, has given his experience as to the great variety in the classes of people the College has to deal with. He specified the upper and lower extremities of the scale; my own personal observation confirms his description.

I say that there are in the College at this moment, and among its former pupils, lads and men, blessed from their mothers' womb with every innate sentiment of a gentleman, and whose morals, manners, and physique would honor any family in the community; yes, sir, very many of them.

Any person of moderate observation would anticipate this, as well as the corresponding truth that there are many who being destitute of all moral sense, and dull of intellect, besides being influenced whenever opportunity offered by similar natures outside the walls, resist naturally and systematically every effort to train them, and to get them to look beyond the single fact that they are *fed* and *clothed*.

There are many, very many of such, too; and between these two extremes, all conceivable shades of character.

No *oversight*, however minute, can ever furnish an adequate

idea of the immense difficulties which daily and yearly experience reveals to those who are actually and constantly engaged in the training and discipline of such a body ; or of the almost hopeless discouragements so frequently met with.

Everybody knows the troubles naturally attached to such a work, even when favored with the kindest and most efficient support. But what is the fact? Mr. Girard's Will first lays down the principle that he founded his College in order to educate the poor, and to raise them above the temptations to which, through poverty and ignorance, they are exposed ; and second, it provides for indenture and relinquishment in order to enforce all proper restraint, and to *prevent relatives* and others from interfering with, or withdrawing such orphan from the College.

And yet we have the spectacle of a number of Directors invoking the aid of these very persons against the discipline of the College, encouraging them to produce affidavits, and absolutely ignoring their own responsible and executive agent.

I say this is a remarkable spectacle, and who are the complainants? Naturally enough, they are those who feel the firmness of a resisted discipline.

False statements *of boys* [for when was a boy ever punished but for "just doing nothing at all,"] acting upon minds weak and ignorant, and tongues "hung in the middle," can easily illustrate "how great a matter a little fire kindleth."

I need hardly say, that there are many friends of the pupils who submit with cheerful confidence to the discipline ; that there are others who assume to regulate not only the discipline but the entire status of the pupil in the College.

I assert that there is a hundred-fold more interference from outside with the pupils of Girard College, than exists, or would be tolerated in any boarding school whatever, that I am acquainted with.

Directors are appealed to in their individual capacities, and when they make inquiries in the proper quarter they receive explanations.

The testimony will show who made such inquiries and who did *not*, and it will reveal the fact also, that every story has two sides.

To show this fertile source of trouble, I will read a report of a Committee of Councils upon a former investigation of Girard College officers.

"REPORT.

The Committee of Visitation for the months of March and April, respectfully report, that as required by the ordinance of Councils they visited the Girard College for Orphans on two occasions during their term of office.

They are gratified in being able to report, that the condition of the institution, as shown by the progress of the pupils in the schools, and by their healthful and cleanly appearance, is prosperous and happy. They took occasion to attend the exercises of the scholars, to visit the buildings and witness the operation and condition of the household, and to examine the minute books and accounts of the Directors, and they were pleased to see that the College, in all its departments, appears to be satisfactorily fulfilling the benevolent intentions of its founder.

Unusual interest has been given to the visitations of your Committee, by the fact that two instances have recently occurred, where punishment for insubordination and violation of the rules of the College has been resisted by the pupil or his friends, and an appeal made to the law for the prosecution of the officers. Although, in both these instances, the legal authorities promptly dismissed the case as unfounded and vexatious, still your Committee deemed it to be their duty to inquire thoroughly into them, and report to Councils thereon. They accordingly examined into all the facts connected therewith, and received from the President and the subordinate officers of the institution, and from the records, to which they had full and free access, the particulars of the previous history and conduct of the pupils in question. Aggravated personal insult, accompanied by frequent previous insubordination and bad conduct, in the one case, and a violation, not alone of the rules of the institution, but of a moral law, in the other, were satisfactorily proven to the Committee, and justified, in their judgment, the course which was pursued by the authorities of the institution. The Committee unite in a respectful and earnest recommendation to the Directors, that hereafter prompt and summary dismissal from the College will be visited upon every pupil who is guilty of insubordination, or who violates fundamental rules

of discipline, as required by the letter and spirit of the Will of Stephen Girard in Article XXI., Eighth Section. When hundreds of equally meritorious children are knocking at the gates of the College for admission, who will yield willing obedience to its authority, and profit by the opportunities of instruction which are there afforded to them, no orphan who is guilty of such offences should be longer retained, and be suffered to keep the place of a better boy who is outside.

The result of this examination has made manifest to your Committee, that much of the difficulty which is occasionally felt in the administration of the College, is caused by the improper and ill-advised interference of a portion of the mothers and friends of the pupils, in the discipline of the College. Although all control over the pupil is voluntarily surrendered when he is indentured for the purpose of admission into the institution, yet cases have not unfrequently occurred, where the friends have claimed to examine into, and interfere with the enforcement of the discipline of the College—where the pupil has been encouraged and sustained in insubordination and defiance to the rules—and even where the President and officers have been treated with contumely and insult in the presence of the scholars. The Committee do not hesitate to believe that Councils will sustain them in the expression of a determination, that this interference by parties without the walls *must* hereafter cease. It is manifest that three hundred boys, few of whom have been previously accustomed to much restraint or control, cannot be brought together and advantageously educated and trained, both morally and mentally, without rigid discipline, prompt obedience, and respect for their superiors.

In connection with this subject the Committee would recommend, that hereafter the operations of the dentist be required to be performed within the walls, so that the boys may not be sent daily, as at present, into the City—a custom which, it is apparent, may result injuriously in many respects.

In conclusion, the Committee would recommend the following resolution, and ask for its adoption: *That* a copy of the above report be forwarded to the Board of Directors of

Girard College, to be read to the officers and pupils of the institution.

FRED'K LENNIG, *Chairman*,
WM. F. HANSELL,
ROBERT HUTCHINSON,
W. WATT,
SAMUEL COPELAND,
WILLIAM F. SMITH.

To the description of the punishments, as given by two of the Prefects, I have nothing to add. I think it there appears that no cruelty was practised, and that the complaints of the boys were to be expected as a matter of course. It also appears that appeals from the pupils, and directions, and even reprimands to the officers, were frequent.

The use of the lock-up is authorized by the rules, and in some instances has been ordered, by way of a sentence, by the Committee on Discipline and Discharge. In my belief it has always been resorted to in the College.

Now, sir, there is one instance mentioned by Mr. Milby and Mr. McFarlane, (case of W—— N——;) they say that he was in the lock-up for three months. My journal does not make it out so. He absconded [after having repeatedly done so before] on the 12th of June, 1865, and remained absent five days. The Committee on Discipline and Discharge met on the 26th of June, and the case was investigated. I find that I wrote to his mother on the 27th of June. Now, sir, that Committee, not by a formal resolution but by an assent to the proposition given by one of the members, directed me to keep that boy in the lock-up all the vacation. It was a sentence—a regular sentence—and as the Prefect testified, it had its effect. I think he is now a good boy; he has not run away since.

I find I released him for the day on the 7th of July, and gave directions that he should be brought down and taken to the pond to bathe, (this was done frequently, I will not say daily,) and you have it in testimony that that was the case; and I also directed that he should be fed upon the usual diet and not upon bread and water, and he was kept in a room in the infirmary and fed upon the usual diet.

In relation to Mr. Hartley's testimony I have something to say. He admits his responsibility entirely, and in reply

to the question, "Why he did not report to me?" he said "He had not time."

Now, Mr. Chairman, Mr. Hartley has two offices—he is a School Director and the Steward of Girard College—and I do not know which he considers has paramount claims upon his time. It strikes me that he had time enough. As President of the College I could not accept that as a reason. He says I wrote him an insulting note. I will take the liberty to read that note; I have a copy of it; it is couched in the following language:

"GIRARD COLLEGE, *April 9, 1867.*

"DEAR SIR:—

"Allow me *again* to refer you to the rules of the College, viz.:

"Section I, par. 8, line 8.

"V, par. 2.

"XI, par. 3.

"After my former references to this subject, I cannot consider three hurried lines about *nothing* as a sufficient compliance with your duty, either to me or to the College.

"I should be much pleased to see the defect remedied at once.

"Yours respectfully,

"R. S. SMITH,
"President."

"MR. HARTLEY,

"Steward, &c."

Now, that is the note that he said was so insulting. I had written to him twice before, but I did not think it worth while to preserve copies of those.

Now, sir, I asked him why he did not comply with my instructions and directions, in regard to keeping the Property account in the Stock-book furnished. His answer was: "That he, in the first place, thought the President had no right to give him any such directions, and in the next place, that he regarded it as all a *farce* anyhow."

I have described the peculiarities of that book in a former sketch of it, and will repeat the request that the Committee will be kind enough to examine that book and see the character of it.

One of the Prefect's words are, "There was no love lost between us." I believe, Mr. Chairman, he has left nothing undone to injure me. (I am obliged to say so, from a sense of my obligation,) both in the matter of loyalty and official business.

When the rules were framed, sir, the employés were protected by a portion of the rule which said they should be discharged when requested by the President; and as far as the female servants were concerned, by the Matron. In order though to give him his way, a resolution was passed, and the following amendment to the second rule, section eleven, was also adopted:

"That the Steward shall have full power to discharge all the employés of the College, who, under the rules, were directly responsible to him, and he shall immediately report such discharge to the Committee on Household."

The testimony of Dr. Smith I shall not refer to at any length. He testified, however, that Mr. Fry made a speech on the subject of the disloyal element in the College, but made no allegation as to the person against whom this thunder was directed. I take it to have been myself, sir.

Dr. Nebinger's testimony I have gone over, to a great extent.

Miss Hare gave it as her opinion that "I had done wrong in some instances," and asserted very roundly "that she would not have done thus and so." I cannot see, Mr. Chairman, that that has much to do with it. I was not obliged to consult Miss Hare in any way. At any rate, the testimony of Dr. Hollingsworth is conclusive to the point as to injury to the boys from this seclusion. He states positively that he never saw the slightest injury occur, and calls the attention of the Committee to the fact that he had a good deal of trouble about visiting the boys in the lock-ups, and that during the time that W—— N—— was in the lock-up, he visited him frequently, and at my request.

Mr. Arey testified that though he did not recollect having an understanding with me, (which is negative testimony,) I will here give my own positive recollection to such an understanding, and it is not a matter of much surprise that he should forget it: but I remember it very well, it was to the effect that it was not worth while giving him the trouble of going out there for three or four days. But he says in his testimony

that it was in his own mind, his understanding then, and is now, "that if I should be absent on a thirty days' vacation," (which I never was,) "or for a fortnight, then, that if the interest of the College seemed to require it, he would expect to be called upon." Therefore this matter of violation of rule I don't see in that light at all. Certainly I was not conscious of violating any rule; did not intend to. My absence for a few days over the time that I procured leave of absence for, was unavoidable.

There has been a good deal said here about patriotism, loyalty, and the display of the flag. I am well aware of the story that has been going around for the last two or three years about the absence of the flag from the flag-staff on the Fourth of July, 1864. That case seems to have been abandoned here, however, for it is well enough known that the flag was shown on the main building, and, illuminated with the Calcium light at night; also, that the halliards of the flag-staff broke in the hands of my own son early on the morning of that day; also, that no repair was possible without sending down the topmast, and that no riggers were to be gotten to work at it on that holiday. The specifications on the subject are confined to the single allegation that the flag was not displayed on the occasion of the dedication of the Gettysburg Cemetery. This circumstance has been treasured up for a long time—more than three years, I think—and my recollection of it is not at all distinct. I have not the slightest recollection of any application having been made to me by the boys on that occasion, and I deny that I did then, or at any other time, refuse an application from them to show the flag. And I here, once for all, solemnly disclaim all, even the remotest intention to reflect any party or sentiment whatever by either the use or disuse of the National Ensign. The custom of nearly all my life has been to see the flag fly every day, but not in civil life. On all proper occasions, such as victories, and so forth, I assert and maintain that our flag has been shown, and I challenge any specification to the contrary.

None has been offered.

One flag was lost by being half-masted during the solemnities following President Lincoln's death, and the other in a similar way at the time that the remains of Professor Bache, the first President of the College, were lying in state in this

City. The College was without a flag and I believe without the ability to purchase one until Mr. Simons kindly supplied the deficiency. To men who have never shown loyalty in any other way than by loud professions and a display of bunting from their comfortable residences, such matters may innocently enough be the supreme test of loyalty. But, Mr. Chairman, there is another touchstone, one *rub* of which will instantly distinguish the true metal.

The flag is fired upon in Charleston Harbor, and lowered to rebel cannon at Sumter; at the call to arms a man lays down a congenial profession, his only means of support for his family; breaks up a happy home, puts one son as a private in the Army, the other into the Navy, parts from his wife and two daughters—himself volunteers in April, 1861, and before the end of that month is in the defences of Washington.

Why should he do this? Why, sir, should *I* do this? Because I was and am a thoroughly and essentially a loyal man.

I served my country, sir, in the first rally for her defence. I served her with such knowledge as she had given me when she called me to assist in raising her armies, and part of the time, too, in a disloyal State.

I served her amid the din and blood of the battle field, the hardships and privations of the camp and the march. Let the loyalty that steps forward to fault mine, sir, come to me tempered with the rebel yell and smoked with rebel powder, and then I will try issues with it.

One of the members who presumed to doubt my loyalty has said here that he had known officers of the Army in Tennessee whose loyalty was open to his penetrating suspicions. That may, or may not be; but what carried that member to the neighborhood of the army? was it patriotism? Was it loyalty?

Officers of an army in the field generally know pretty well where lies the loyalty of their peace-loving visitors in campaigning times.

Mr. Chairman, at the unsolicited call of my fellow-citizens, of this my birth-place, and by the advice of comrades in arms whose names are now the glory of our history: by and with the advice and consent of the Commander-in-Chief, fully and intelligently given, I came; and I say, sir, notwithstanding

the affidavits of two of my opposers, to the effect that *they* never gave me any such assurances, that my term of office was to be "*the same as that of the U. S. Army,*" that I came here with every assurance from many of the gentlemen at that time constituting the Direction that I was safe from all influences extrinsic to official merit.

The testimony before you of good men and true, will corroborate my own opinion that the step was an unfortunate one, renewing to me all the sufferings in the great cause of six years ago, then cheerfully encountered, but now endured in the pettiest of local interests.

It has been said that 4th of July was never celebrated by me except by order of the Board. It is not so, sir.

In the year 1865, the rebellion being suppressed, it was I, sir, who proposed to the Board that they should make the day a special celebration by spending a little money for music and fireworks. This was done, and Mr. Lex has given you some account of the celebration. On every occasion I have kept the day by public and appropriate exercises in the chapel, consisting of the Declaration, singing, speeches, and such decorations and appliances as I could command.

I have never been out of the College on that day, but have, without a thought of all this mouth-loyal criticism, borne my part in such a manner as should have placed me beyond the reach of slander.

I think, Mr. Chairman, that upon a general view of the whole case, these facts will appear :

First. That the *manner* of my removal from office was harsh, and entirely unprecedented. Such a mode of proceeding was never before heard of in this community, and the indignation so generally and publicly expressed, was a natural feeling, as any one of the majority may easily see, if he would apply the circumstances to his own case or that of any of his friends.

I deny positively that I had anything whatever to do with the publication of any newspaper article, (except that in the Daily News, and that a defensive one and entirely respectful,) and "the common origin" insinuated, is to be found only in that "touch of a generous nature which makes the world a-kin." I refused to communicate anything to any paper. I refused positively to do so for the Inquirer. They sent a messenger to the College, with the request that I would

state upon paper my side of the case. This I refused to do positively.

Second. That these various *reasons* assigned, either did not exist in the minds of the majority, at the time of their action, and were afterwards hunted up from all sorts of sources ; or else were wilfully and by concert, concealed from a numerous minority. I am inclined to think that the former is the state of the case, as all the testimony as to facts is hearsay, and derived from the prejudices of subordinates, and the searching of records is admitted.

Third. That the published statement of the majority, [which by-the-bye is incorrect in its figures, and in some other respects. The number of abscondings in the first eighteen months, is thirteen too great, and the number of another period, is twice as great as my records show, and in another period, the number is precisely correct, from such a day in the middle of the month, to such another day in another month. But that sir, was copied from my private journal, which I brought to the Committee room, and forgot. I went out and left it there, and during the two hours that I was absent, it was copied out of it and published in the paper. That is correct, ninety-five is the number,]—that statement I say, sir, whether of opinions acquired previous or subsequent to their action, is so bitter and so severe, as to over-shoot the mark, and reflect disgrace upon themselves, the College and the City, no matter how much praise they may take to themselves for their *patience*. For if these opinions existed *before* their action they were culpably derelict ; if formed or substantiated afterwards, they were culpably ignorant. But I hope, sir, that your Committee will give its verdict, that unnecessary blame has been scattered broad-cast over everything relating to the College.

Fourth. That the fundamental cause and object for my removal, was the ever troublesome consideration of *politics*. Now, sir, I never meddled in politics ; what opinions I had by inheritance and association, happened to be adverse to those of the Board who elected me ; but I cannot divest myself of the notion that I am suffering from the imputation to me of their opinions. Hence, these anxious efforts to fasten disloyalty upon me. This can be nothing but a *political outcry*. In view of the ever shifting nature of the Board, there can scarcely ever be any stability in administering the

College; and if the President is expected to be a politician, he must look to be caressed by one Board, at the expense of being kicked by another. This would add another element to the unfortunate condition of instability.

I alluded in the examination of Mr. Foust's testimony, to one of the officers of the College, (whom I will not name; and to whom I wish no ill,) who was a person addicted to strong drink. It is too true, sir; and although sometimes the slightest deviation from the exact line must be visited with sharp and decisive action, it appears that in other cases it is not so. I had the directions of the Committee on Manual Labor to discharge that officer. I had a very good man in his place too, but a few days after that, the last day of the year 1866, two years ago, Mr. Simons writes me:

"My Dear Mr. President,"

"The Committee on Manual Labor decided for you to *dispen*se with the services of Mr. T——r as Prefect, in place of Mr. G——n, (as Mr. G——n *has promised reformation to the satisfaction of all*,) and he being advanced in years, and the senior officer, is why they decided to retain Mr. G——n for the present, and I will try and see you personally to-day or to-morrow. But as *no* money is appropriated for but one Prefect, it is necessary you should know this to-day, to act upon it by notifying Mr. T——r."

"Very truly your friend,"

"HENRY SIMONS,"

"*Chairman of Committee on M. L.*"

"*Philadelphia, December 31, 1866.*"

Again, as showing the kindly relations between myself and Col. Foust, I here read his letter to me of the 8th of March, 1866.

"*Philadelphia, March 8th, 1866.*"

"R. S. SMITH, *President*,"

"Girard College."

"DEAR SIR:"

"On returning from Court this morning I had the pleasure of finding upon my table your communication of the 7th inst., and hasten to say that I will cheerfully comply with your suggestion, and will request the Committee to meet at the appointed hour, (4 P. M., Monday next.)

"I think you have rightly called the repeated abscondings

“an epidemic, and have no doubt the Committee on Discipline and Discharge will lend its hearty co-operation in bringing about a cure if possible.”

“Very truly yours,

ROBERT M. FOUST,
Chairman.”

Something has been stated about “mothers’ day” being forgotten. It was never forgotten, sir; it was changed from four visitations in the year—that is quarterly—to three in the year, on account of the great danger to the health of the pupils, by having them go out, or receive their friends in the winter months—the months of January, February, and March. Therefore the Directors fully agreed to the propriety of dispensing with that mothers’ day; and for the convenience of receiving the visitors, it was also decided that the College boys should be divided into three groups, and should receive in such a manner, alternately, as to give each boy a visit in the College and a visit out every three months. It was a great increase of labor, sir; because, instead of four visiting days, we had nine then; but upon the whole it was found very agreeable. But some of the mothers objected; and, sir, their objections carried the day; which, when the new rules were made, they succeeded in abolishing, and we returned to the old plan to receive all at once four times a year; but when we had five hundred boys it was very inconvenient. This rule was made when we had six hundred. The first rule was made when we had only three hundred and fifty, and there was a great deal of trouble then, sir. And upon one occasion the Directors passed this resolution. There was a good deal of disorder. Upon that account they passed this resolution, on the 14th of October, 1863.

“GIRARD COLLEGE, *October 15, 1863.*

“The following resolution, passed by the Board of Directors of Girard College on the 14th of October, 1863, is hereby communicated to you.

“*Resolved*, That the President be requested to inform mothers and friends of the pupils that visitation is a privilege, and not a right.

“Respectfully,

“R. S. SMITH,

“*Pres’t of the College.*”

That made some trouble, sir. If we were to turn them out, then there would be an unpleasant time.

I believe I will trouble you with only a couple more extracts from my reports to the Board.

Mr. Rhoads said "that my report on the subject of the visitation by the Girard Brotherhood, on the 21st of May, was ungentlemanly and improper." He said "that the Board laid it upon the table." As to the latter, I know he is mistaken, and I flatter myself he is in the former assertion.

I will read you my report. I do not know the date exactly :

"I deem it proper to call the attention of the Board, at this time, to the expected celebration of Stephen Girard's birth-day, on the 21st of next month.

"The society known as the 'Girard Brotherhood,' of which I was President, was, at a meeting held last fall in the City, dissolved and abolished. A new association was formed, with the title, 'The Society of the Alumni,' and new officers elected. Of this society I am, in common with all officers, merely an *ex officio* member.

"The society expects to celebrate the Anniversary at the College, and to be entertained here. The management of the affair has been placed in the hands of an Executive Committee appointed for that purpose, of whose intentions I have not yet been informed.

"I must confess that the three Anniversaries which I have experienced here have not been without some disagreeable accompaniments, tending to mar what is intended to be very pleasant exercises, and tradition tells the same thing. The presence of many unworthy former pupils, whom both propriety and the rules would exclude, (and I have always acted under the spirit of the rules, as now in force,) has been the occasion of much dissatisfaction, both to the good members of the Brotherhood and to the authorities of the College. For some time previous to the last Anniversary, threats were openly made of a determination to resist the discipline of the institution, and to claim full license; also, to break the College windows, &c. &c.

"Under these circumstances, after consultation with the Committee and the Board, I procured from the Mayor a sufficient number of officers to guard the gates and the wall, against all intruders.

"This precaution proved itself not unnecessary. One

“rough fellow had a ladder at the western wall, and was
“about to sell its help at so much ahead to any roving ad-
“venturer that desired to cross the wall.

“At the gate all unauthorized persons were kept out, but
“with a great deal of trouble to myself and my assistants.

“One expelled boy is reported to have shown a pistol; the
“rest, however, contented themselves with threats and vile
“language.

“Had these fellows found their way over the wall, there
“was a stern predetermination on the part of the good boys
“to drive them out, and then there would have been a very
“disagreeable time.

“I have always made the 21st of May a general holiday,
“chiefly for the reason that the license indulged in by these
“lads and young men on the occasion of revisiting their ‘*old*
“‘home,’ their smoking and chewing, and so forth, and their
“occasional somewhat boisterous deportment would be de-
“moralizing to their younger brethren, who feel that within
“these walls there is a certain restraint of discipline and re-
“spect for the place, which would seem to be violated by
“such proceedings. I place this matter before the Board,
“and ask their counsel and direction.

“R. S. SMITH.”

In regard to that the Committee on Discipline acted first upon it, and placed the whole matter in my hands, and did not lay it upon the table, but referred it to the Board, and the Board approved of it. And, sir, I met the Committee of Brotherhood and we made our plans—had a band of music and a very pleasant time. And, sir, I had the pleasure of receiving from that Committee a vote of thanks (which I have mislaid; I had intended to have had it here and to have read it,) for the very pleasant time they had, and the hospitality that I had been able to show them, and also to the Board. I reported that note afterwards to the Board. Mr. Littleton, I think, I have the pleasure of recognizing, as one of the members of the Executive Committee.

There was nothing but an effort on my part to do what was right, but boys who had been expelled wanted to get in; and they did get in, some of them. But more would have got in had I not been working in the interest of the College,

and of the good men and true, when I sought to take, and took, the precautions that I did.

Here is one more report I made to the Board, in relation to the Steward:

“In conformity with the rules, section I, par. 4, I deem it my duty to state the fact, that notwithstanding my repeatedly calling his attention thereto, the Steward has never once rendered me the report required by the rules.

“I gave up the duties to him on the 1st of November; for that month I told him I would dispense with his report. In December I told him, after he had failed to render it, that it was necessary to do so. In January he rendered none, and I then wrote him a kind and private note, referring him to the rules—section I, par. 8, line 8; section V, par. 2., and section XI, par. 3—and requesting him not to fail again. In February I addressed him again, verbally, before the meeting of the Board, but there was no report. Neither was any rendered in March. On Thursday, April 4, I spoke to him again, and pointed out the necessity of the duty; and yesterday morning (April 9th) I wrote to him, requesting him to send his report immediately.

“He wrote me three lines, stating that he had nothing special to report, but that everything appeared to be working well.

“I wrote in reply again, referring him to the rules by section and paragraph, expressing my dissatisfaction and the hope that the defect would be remedied. I spoke to him again to-day. He has rendered no report.

“R. S. SMITH,
“*President.*”

He says, sir, that he copied the report of the former Steward. The former Steward and myself were in the habit of constant intercourse. He came to my office frequently, to see me about the affairs of the College, which Mr. Hartley never did.

But at the time that he (the former Steward) used to write me these reports there were no rules requiring him to send any report whatever. All rules were abolished in December, 1862, and were never re-enacted until September, 1866.

Q. By Mr. Stokley. Have any records been kept of abscondings?

A. Constant.

Q. Have any such records ever been left with Mr. Allen?

A. No, sir; my journal was the record. That was all, sir.

Q. Will you furnish the cases of abscondings?

A. For how long, sir?

Q. For the whole time.

A. I will do so with pleasure. Here is a statement of the number of cases of absconding in Girard College, from July 1, 1863, to September 15, 1867, and separately from that date to November 1, 1867:

Year.							Absconded.
1863, from July 1,	-	-	-	-	-	-	25
1864, - - - - -	-	-	-	-	-	-	102
1865, - - - - -	-	-	-	-	-	-	21
1866, - - - - -	-	-	-	-	-	-	22
1867, up to September 15,	-	-	-	-	-	-	22
1867, from September 15 to November 1,							54
<hr/>							
Total, - - - - -	-	-	-	-	-	-	246

The above includes many repetitions of the same offence by the same pupil, in some instances amounting to nine times.

Truancies, or absence for a few hours during daylight, are not counted; only absences during a night.

The records of the College do not show this. You will find nothing of the kind there.

Q. By Mr. Littleton. I want to ask you one question about the boys being compelled to sit upon nothing?

A. I know that was an amusing thing rather. I had heard of it before I came here, and, in fact, before the war. I heard a teacher say he used it. The manner of sitting upon nothing has been explained to you. They are compelled to repeat over these words while in that position: "The way of the transgressor is hard." This they continued to say over. When they got tired, they got up again.

I tried it once in my office upon a little boy. I made him sit a little while, not to hurt him. I never directed it, nor authorized it in any way. I mentioned it, I think, to a Pre-

fect, that I had tried it. After I did become aware of its being done by others, I abandoned it.

Q. How long was it in operation?

A. I do not think it was a month, and then not very frequently. I went down to the play-ground, and found a fellow sitting against a tree in that position, and I released him at once.

Q. By Mr. Stokley. You did not refer to the statements of these Prefects in reference to the little incident between them about your truthfulness?

A. I answer, I do not regard that as anything. It seems to me, sir, that they had had a squabble themselves. I will say that, if I did say that Mr. Cope told me so, then he did say it; and I would say, at the same time, that Mr. Milby and Mr. Cope may be mistaken, or I may be mistaken.

Q. By Wm. F. Smith, Chairman. I would like to ask you a question in regard to the appointments of these gentlemen. Who appointed them?

A. The Board appoints them. I had the nominating power. I do not think appointment is a proper term. I took them on trial, and reported them to the Board for confirmation; and would say, in connection with Mr. S——n, who was a Prefect, accused of cruelty, and of his case coming up before the Board for confirmation, that I opposed it; but he was confirmed, notwithstanding.

Q. Was Prefect McFarlane appointed during your term?

A. Yes, sir, he was.

Q. What is your opinion of the appointment of men so young as he was?

A. There were interesting circumstances connected with his appointment. He was a teacher of some experience; he had been teaching school. He was said to be a good manager of small boys, and he was taking care of the smallest boys; and I would say that he has done his work faithfully. He was very young. I think the young men are better than the men of thirty.

Q. By Mr. Littleton. You wish to have young men there?

A. Yes, sir; I wished to have them.

Q. You cannot have married men?

A. No, sir. We cannot have a man of family, for no man can have two families. He could not attend to one inside and one outside of the College.

Q. By Mr. Littleton. Mr. Boswell desired me to ask you how you gained your information as to his knowledge of persons and things?

A. Only from his own statements.

Q. By Mr. Harper. I would like to ask you (you can answer or not, as you think proper,) who you voted for at the last Presidential election?

A. The first term of Mr. Lincoln, I voted for him; previous to that, I voted for Millard Fillmore. These were the only two votes I ever cast in my life. As I have stated, I abstained from politics. I think, in an emergency, if anything was to be gained by it, it might be well to vote, and so I think my vote was not lost at the last Presidential election.

Mr. Littleton. It could not have changed the result.

A. No, sir; it would not.

C. R. MORGAN, M. D.,
Sworn Reporter.

AFFIDAVITS.

CITY OF PHILADELPHIA, ss:

I, Anna E. Rudolph, formerly of the City of Philadelphia, now residing in Maroa, Illinois, and at present visiting my aunt, Mrs. Johnson, No. 248 north Fifteenth street, in the City of Philadelphia, depose and say that I am the sister of Willie A. Rudolph, now a pupil in Girard College—that on the afternoon of Saturday, October 5, 1867, I visited the College for the purpose of seeing my brother whom I had not seen for nearly eighteen months. On arriving at the College I called upon President Smith and asked to see my brother. I told him how long it had been since I had seen my brother, and of my desire to see him, and that my stay might be very short, and that I would not be here on next mothers' day. He positively denied my request, on the ground that Willie was not a good boy. He said I need not want to see him, as I knew he was well. Willie was then, unexpectedly, brought into the room where the President and I had been conversing on the subject. He was brought in for punishment. I was told then that his offence was staying too long on the play grounds from his section. The President asked him what he had been doing, and Willie said that was it. The President said, in a sinister and tantalizing manner, "Well now you've got to see him, anyhow," and that he was very sorry that I had got to see him, and that he must proceed to punish him in the usual manner. I said this seemed providential that I should get to see him, for that was the only afternoon I could have come. The President then said he must punish him there, and I might retire if I chose. I told him that I had seen it thus far and I wished to see the worst. Then he said he was about to do as he would to his own son—it was a paternal act. Both Willie and myself were much affected at meeting each other after so long a time, and he, not expecting to see me, not knowing of my being in the City. Mr. Smith then began to whip Willie, first on one hand and then on the other hand, with a ratan about as thick as my little finger. Willie is about eleven years old,

and has been in the College about four years. Willie struggled to get away, and it seemed to hurt him very much, and he cried very much. I was very much shocked at this punishment at such a time, and the more so because I knew that the President was aware that Willie and I had lately lost an older sister. His manner to me was very rude and ungentlemanly, and very harsh and unkind to the child. He would not allow him to have any of the refreshments which I had brought with me, as is generally allowed on Saturday afternoons. I thought the President might have spared my feelings and not have punished him then.

I thought the President very harsh and cruel, and that he was very unkind.

ANNA E. RUDOLPH.

Sworn and subscribed before me, }
this sixteenth day of Octo- }
ber, A. D. 1867.

E. S. FITCH,
Alderman.

I, James Kirkpatrick, residing No. 915 Morris street, depose and say, that I was employed at the College, from May 1861 to September, 1864. Professor W. H. Allen was the President. I was the Carpenter. I had charge of the flags of the College. There were two, a storm flag and a large flag for fine days. President Allen told me always to put up the flags upon the occasion of a victory of the Union armies, which was always done while Mr. Allen was President, and also while Mr. Arcy was acting as President. When Mr. Smith came in as President he knew that I had charge of the flags. I had the keys, and I told him it was customary to raise the flags on occasions of Union victories, but he never continued the order to me to raise the flags on such occasions. He did not treat it as a matter of any importance, and never ordered me to raise them. On the occasion of the dedication of the Gettysburg Cemetery, the Governor issued a request to citizens and public institutions to hoist their flag at half-mast on the day of the dedication, that was in November, 1863. The

boys came to my shop with the newspaper, and asked me to have the flag raised in accordance with the request of the Governor. I would not do it without authority, as I had no orders to raise the flag from Mr. Smith as I had had from Mr. Allen and Mr. Arey. I went up to the portico of the College and met Mr. Smith; the boys were behind me. Major Smith then said he did not think Girard College was a public institution, and that it was not worth while to raise the flag. The halliards were at that time in perfect order; at any time in case the halliards were out of order they could have been fixed in two hours. I felt hurt at Major Smith's speaking as he did about the flag. The boys also felt hurt. They told me that afterwards the Major gave them a lecture against wanting the flag up. I was disgusted and gave up the keys of the flag box immediately. After that the flag was scarcely if ever hoisted on the occasion of Union victories. In the fall of 1863 or 1864, six boys of the College went and enlisted in the cavalry service. Major Smith had them arrested and brought back. As soon as they were brought back, they were immediately put in the lock-up and their soldier clothes taken from them. They were among the largest and best boys, and about 16 years of age. Those boys were reported to the Board by Major Smith for this offence, and were dismissed from the institution on his recommendation, or by him personally. The loyal Professors and employés all felt very indignant at their dismissal. Soon after Major Smith came to the College he wanted me to have authority to whip the boys. This I refused to have anything to do with.

JAMES KIRKPATRICK.

Sworn and subscribed to before me, }
this twenty-fourth day of Octo- }
ber, A. D. 1867.

JESSE S. BONSALE,

Alderman.

I, Mrs. Mary Frazer, residing No. 936 Kurtz street, in the City of Philadelphia, depose and say: That I am the mother of Frank M. Frazer, now deceased, formerly a pupil of Girard College. He died a year ago on the fifth day of May last, in the College. A year before he died he was taken with the spotted fever. I heard outside that he was sick, through my mother, who heard it from another person. I received a note from Major Smith, through a boy, saying Franky was better, and I could come out and see him if I wished. I went out there, and found him sitting up dressed, in a chair; and they said he was better, but I did not think so, and I did not think him fit to be up. I stayed with him until evening, when he was worse, and I undressed him and put him to bed. I was going to remain there with him, to take care of him, as he was so very sick; but President Smith would not hear to it, and said I could come in occasionally and see him, but I had better not come next day; not till two days after. When I went there he was dressed and down in the parlor. He seemed better. I went out again, three days after, on Sunday morning. The child was much worse. Mr. Smith told me the Doctor said I might stay, as the child fretted for me. I was then there three months with him; then the Doctor dismissed me. He said if anything serious occurred I would be notified. I went in sometime afterwards, to look after Franky, and found him on the grounds very weak and sensitive from sickness. He was walking with me to the section room, as I was going home; Major Smith saw me, and came up and said, in a harsh manner,, "Who gave you permission to come in here?" making the child cry. The child was very much afraid of President Smith. I told him I had Miss Robinson's permission. He then forbid me coming in the College without his permission. I heard nothing from Franky, though he was very weak and sick, often fainting in the section room. I heard nothing of this until after he was dead. The Wednesday before his death was his day to come home; and I had expected to see Franky at home, but he did not come. One of the other boys told my mother he was carried fainting out of the chapel the Sunday before. She did not tell me this then, for fear of worrying me, but she urged me to go out to the College. This I did not do, fearing Major Smith's displeasure, as he had dismissed me so roughly before. I wrote to him

(and inclosed a stamp) asking information about my boy, or why he was not allowed to come home. Mr. Horne has the answer, promising to inform me if serious. On the Sunday following Franky was in the infirmary—so I was informed by Mrs. Lewis, the Nurse, sick in bed—when the President came and wanted my boy to go to the chapel, the Nurse washed him and combed his hair, and the President took him to the chapel, and from there he was taken to the infirmary, *dead*. They sent the Doctor's carriage after me. Mrs. Lewis said to me, he never ought to have been taken out of the infirmary, that he was not in a fit condition to go to the chapel, and that President Smith ought not to have power to take boys out of the infirmary. She said if I had been there he never would have gone to the chapel that day, and that she believed his life was shortened by being taken out on that day.

Mrs. MARY FRAZER.

Sworn and subscribed to before me, }
on the seventeenth day of October, }
A. D. 1867.

E. S. FITCH,
Alderman.

I, George W. Boyd, residing with my mother at No. 1624 north Seventh street, depose and say, that I was a pupil of Girard College from March, 1864, until April or May last. I was dismissed at the urgent request of my mother. She did not wish me to remain longer in the College under Major Smith, because of my bad treatment. I ran away once. That was in September, 1866. I ran away on account of a whipping I received from one of the Prefects. He whipped me severely. He whipped me with a ratan just before I went to bed, with nothing on but my night-gown. Four or five days afterwards, my mother and a lawyer in Hightstown, New Jersey, (where I had ran away to,) examined my back, and it was still covered with welts from the whipping. I was accused of making a noise, which I had not done, and the whipping was for that. I was eleven years old last September. One of the Prefects came to Hightstown, and took me back to the College. I was then put in the lock-up at the College, and kept there on bread and water for eight days, when the Directors heard my case, and released me

from confinement. Last winter I was put in the lock-up for thirty days, on bread and water, for refusing to hold out my hand to be whipped by one of the teachers for hitting another boy, which was done playfully. It was cold weather, and there was no fire. I had to keep the windows closed to keep out the cold. I was in the large room on west side. The first five days of the thirty I was alone; then another boy, by the name of Miller was put up there with me, and he was in the lock-up, when I was released at the expiration of my thirty days. While I was in confinement they took my coat and shoes away from me, and I had to keep the blanket around me to keep myself warm. I had no pillow, but slept on the bare mattress with one blanket over me. I had no books to read, and my only amusement all day was looking out the window at the painters working on the other building. During the thirty days I was in the lock-up, my lessons, of course, were neglected. Major Smith whipped me a good many times on the back and on the hands for disorder. When he whipped me on the back he made me take off my coat, when I had nothing on me but my shirt and pants. He whipped me hard on the hand with a ratan. When I ran away, I went alone. My feet got very sore while in the cold lock-up, and I sent word to the Nurse (Mrs. Lewis) by the boy who brought me my bread and water. The Nurse came up to see me, and looked at my feet, and next night she took me down to her room and put caustic on my feet, and said they had been frosted in the lock-up with the cold. She told that to Miss Hare, the Governess, in my presence. This was about three days before my thirty days had expired. I was taken back to the lock-up again, and kept up there three days after the caustic had been applied. My feet were sore after I got out, from the freezing, and the caustic had to be applied every day for several days after my release.

G. W. BOYD.

Sworn and subscribed to before me, }
on this 24th day of October, A. }
D. 1867; I first having asked }
him if he knew the nature of an }
oath, and he answering satisfac- }
torily. }

E. S. FITCH,
Alderman.

I, Mary S. Boyd, residing No. 1624 North Seventh street, depose and say: That I am the mother of George W. Boyd, who was a pupil of Girard College. He was dismissed by the Board at my urgent request, as that was the only way I could get him out of the College; and I was not willing to leave him there under Major Smith, because of the bad treatment he had received. When he ran-away to Hightstown it was because of a severe whipping he had received, so George informed me. Then I examined his back and found welts and marks on his back, showing that he had had a severe whipping, as four or five days had then elapsed. There looked to be about twenty cuts. A lawyer, Mr. Ely, a friend of the family, in Hightstown, came in and examined the boy's back in my presence and found the cuts upon his person as I had found them. Mr. Ely has said to my cousin, in Hightstown, that if I wanted to take any action against the person who had committed this outrage he would willingly appear as a witness. When George was taken back I went up next day to the College, and after great difficulty succeeded in seeing Major Smith. I appealed to him to let George out of the lock-up, as the whipping had been a severe punishment, and he had ran-away only on that occasion. He would not consent to it; refused to hear me, and treated me very harshly and unkindly. He was tantalizing, and very ugly to me, indeed. He acted in a very ungentlemanly manner to me.

MARY S. BOYD.

Sworn and subscribed to before me, }
this twenty-fourth day of Octo- }
ber, A.D. 1867.

E. S. FITCH,
Alderman.

I, John G. O'Brien, residing 1224 Heins street, between Spruce and Pine, and Twelfth and Thirteenth streets, being duly sworn according to law, depose and say: That I was formerly a pupil of Girard College, under both President Allen and Major Smith, for a considerable time. The treatment we pupils received after Mr. Smith came to the College was entirely different from what we had been receiving under Mr. Allen. Mr. Smith's treatment of the boys was harsh, unkind, and unjust and tyrannical. There was no kindness or sympathy shown us by Mr. Smith. I was at one time imprisoned in the lock-up for eight days in the month of April, without fire, without any coat, without shoes, without any covering at night, no bed clothes being provided for me, except a mattress to lie upon; the weather was damp and cold. I had to answer the calls of nature in the room. I had nothing but bread and tea at breakfast and tea, and nothing but bread and water at dinner. I was not furnished with water to wash myself, nor with any change of clothes, nor with any books to read, or anything of the kind. I had no lessons to study while up there. I had nothing to do but look out the window through a broken pane of glass. When Mr. Allen was there we could go to him for sympathy and advice, in any case of difficulty about our lessons or anything else; but Mr. Smith's treatment of the boys was so harsh and unkind, that they feared to go to him with any of their difficulties. Mr. Smith was not like a father to the boys as Mr. Allen had been, and as Mr. Arey had been while he was acting President.

In consequence of the harsh treatment of the boys, there were frequent and constant abscondings; in fact, the only way to escape from the harshness and ill-treatment to which the boys were so unused, was by running away. After Mr. Smith came, there were many more floggings than before; he ruled by fear, not by love, as Mr. Allen did. For the least offence a boy would be thrashed. He deprived us of harmless privileges we had before enjoyed, and the boys from being happy and contented, became troublesome and dissatisfied.

My mother has informed me that Mr. Smith repeatedly treated her with great incivility and harshness, when she went to the College to see him about me.

I have a younger brother now in the College. I am now over nineteen years of age. My mother has been there to see him repeatedly, and has been very uncivilly treated by Mr. Smith, as she will testify, if necessary.

JNO. G. O'BRIEN.

Sworn to and subscribed before me, }
 this twenty-ninth day of October, }
 1867.

J. P. DELANEY,
Alderman.

CITY OF PHILADELPHIA, ss :

Mrs. M. A. Stevenson being duly sworn according to law, deposes and says: That she is the mother of Samuel Stevenson, who was admitted as a pupil into Girard College. That while Samuel was in the Girard College, on an exceedingly cold night in the month of January, he was taken from his bed and sleep by a Prefect, who on the charge that the child had thrown a snow-ball while going to the chapel during the day, flogged him without other clothing than his night-shirt. That this flogging was so excessive and inhuman, that the Prefect becoming alarmed, concealed the child in his room for one or more days, endeavoring by salve to heal up the stripes, and prevent them from becoming known. That the boy became dangerously ill from the effects of this whipping, and was removed to the infirmary, where for four weeks he lay at the point of death from disease of the heart, brought on as its consequence; that the affiant, his mother, was kept entirely ignorant of what had occurred, until on the occasion of lifting her child out of bed, she accidentally discovered the marks of these blows upon his body, which although four weeks old were still visible, when she, for the first time learned what had taken place. That overwhelmed at the wrong done to her son, and at the danger of his life, *which resulted as its consequence*, she appealed to President Smith of the College, for justice against the officer who had so cruelly abused this orphan. That President Smith refused this appeal, and sustained and defended the action of the Prefect as having been right. That she in vain sought for any redress which might deter other officers from committing such outrages upon the orphan children placed under their

care. That her son continued very ill for over two months afterward, during which time the affiant remained mostly with him. That in March, when the boys went home at the Easter holidays, Samuel was allowed to be brought to her house for a few days, and that she subsequently refused to return him to the institution, partly because he was unfit to go back, but she was unwilling mainly because she did not wish him placed where such cruelty was possible to be committed or to be sustained. In consequence of this refusal to return the boy, the President of the College had her son expelled, as she has been informed, and verily believes. I was not sent for on account of the dangerous condition of my boy, but happened in there accidentally.

MARY ANN STEVENSON.

Sworn to and subscribed before me, }
on this twenty-third day of Octo- }
ber, A. D. 1867.

JOHN A. HURLEY,
Alderman.

CITY OF PHILADELPHIA, ss.

Mrs. Hannah S. Wells being duly sworn, declares and says: That she resides at Shohola, Pike County, in the State of Pennsylvania, and is now temporarily in the City of Philadelphia. That she is the grandmother of Thomas D. Smith, a pupil in the Girard College. That on the occasion of her said grandson being at her house, in Pike County, in vacation, after he had been there a few days, on the occasion of changing his clothes she discovered stripes across his body and one arm, and upon inquiry was informed by the child that he had been flogged while bathing, and without clothing on his person; the marks of this whipping were plain upon his body, and consisted of purple stripes. The affiant called in her servant-girl, who also saw the marks of these blows. The child stated that this flogging had been for splashing the water out of the tub while bathing.

HANNAH S. WELLS.

Sworn and subscribed before me, }
this 16th day of October, A. D. }
1867.

JOHN A. HURLEY,
Alderman.

REPORT

Of the Committee on Rules to the Board, referred to and read by Mr. Roberts in his testimony, Page 58.

The Special Committee on Rules beg leave to report, that they have duly considered a paper presented at the last meeting of the Board, signed by Geo. J. Becker, purporting to be for himself and certain other officers of the College, censuring the code of Rules recently adopted for the government of the institution, and especially indulging in criticism of four of these rules, which are recited in the communication.

The Committee feel that the tone and temper of this communication are not compatible with the relation which the officers bear to the legislative power that employs them and is competent to define their duties; but, inasmuch as the author of this paper informs the Chairman of the Committee that it was written at the request of the President; was not intended to be submitted to the Board; but was sent in without his knowledge, consent, or approbation, they forbear a more marked expression on the subject.

Before reporting upon the subject matter of this communication, it may be well for the Committee to briefly refer to the necessity of a written or printed system of rules. From the earliest organization of the institution, it has been conducted under a code of written laws which plainly defined the duties, responsibilities, relations, and powers of its officers. In the year 1863, the Board by resolution suspended the operation of all written rules, until otherwise ordered, and since that period the College has been conducted on its common law. Common law means unwritten law, which has been established by usage, and usage presupposes that knowledge which long service and personal familiarity alone can give, and yet a large proportion of the officers, who at present administer this unwritten law, cannot be acquainted with the customs of the institution, because they have entered its service since the abrogation of its code.

The President, the Matron, and the Steward have all been chosen since that time, and as if to make the matter worse, the two latter important officers have been changed during

that period. The two principal Professors have been within its walls but a few weeks, and both positions have been once also changed. Four of the female teachers, five out of six of the Prefects, and five of the six Governesses are new appointments. The Directors themselves are frequently changed, and how can gentlemen satisfactorily perform their duties and knew whether others are performing theirs, without established land marks, by which to judge of the conduct of the institution? Does it need any stronger statement to show the necessity for a written code, to which all can appeal, which will prevent all conflict of duties, or powers, and which gives a uniform standard, by which to measure performance?

Your Committee in performing their duties took as the basis of their code, the rules heretofore in existence, altering slightly where time or circumstances seemed to demand it, and adding briefly what the light of experience appeared to suggest. No one can truthfully say, that the code was vindictive in its nature or onerous in its requirements, and yet strange to say, such opposition has it met, that although adopted on the 26th of last September, it is difficult to know whether they are, at this date, the laws of the institution or not. Without being permitted to test their value as a unity by practical experience, and thus to discover any errors or omissions which the Committee would have been glad to obviate, they were altered in material respects, without trial, on the day of their consideration, by the suggestions of the President, and now the subordinates claim also to have their views suited. Drifting as the institution has been for the last three years, without chart or compass, it is perhaps not so surprising that each one now feels that the College must be steered to suit his notions of its course.

With regard to the four rules which form the subject of animadversion in this communication, the Committee wish the Board to understand that they are all four not new rules, but are word for word the same adopted in 1857, and which have since been the law of the College. The one which refers to the important and vexed question of corporal punishment, appears to be the one worthy of most serious consideration, and this the Committee propose to give at some length.

The rule as adopted, and as excepted to, provides in the section referring to penalties for misconduct, that "after mild means have failed, corporal punishment may be inflicted

by order of the President and in his presence." The subject of corporal punishment is no new one in the institution. Many of the best and purest men who have served in its Councils, have contended that the abolition of corporal punishment would be more in consonance with the spirit of the age, the purpose of the institution and the benevolent intentions of its founder; others have been just as honest in their belief that under the peculiar nature of the foundation, it could not profitably be dispensed with. But all have agreed however, that it should be placed under such restrictions as would prevent its abuse, whether from passion, indiscretion, or tyranny.

The Committee were content to leave it where they found it. But is it not somewhat surprising that at this period, when the ferrule and the birch are passing away with the pedagogue who used them; when the profession of the teacher is assuming higher proportions than the mere stinging of the extremities of little unfortunates; when in many countries, as in Prussia for instance, as well as in many parts of our own land, corporal chastisement has been entirely taken away by law; when flogging has been abolished in the Army and Navy; and when the whole tendency of progress in popular education is in the direction of substituting the higher elements of rewards, of encouragement and self-respect, for the degrading use of brute force, that any portion of the officers of such a College as this, should clamor for the right to punish when, where, and how they please, and should base this clamor upon a proper respect for the high calling of the teacher.

The purposes of the rule, as adopted by the Board, are apparent: 1st, to dispense, as far as is rational and beneficial, with corporal punishment; and 2d, to allow what in the case of the weak or the oppressed is the fountain of all justice—the right to appeal. If there is any institution where the personal rights of the child should be respected, and the mute appeals of orphanage and want be listened to, surely it is in this, where, before the child can be admitted the whole legal control and right to interfere is taken away from his friends, and he has no one to go to or appeal to for redress, unless it be to the head of the institution. The 11th Article of the 1st Section of the Rules declares that the President is the

head and father of the establishment, and is to be obeyed and respected as such.

Is there a father in the land who would give his employées the unrestricted power to flog his children at their discretion, and at their pleasure, without the right of any appeal to him?

No one will deny that the highest teacher is he who has the respect, obedience and love of his pupils, and yet most seldom administers punishment.

In the recent case of the town of Cambridge, Mass., where, in consequence of the inhuman beating of a girl in a public school, corporal punishment has been, by vote of the people, abolished in all the schools. Professor Agassiz testified that he had been a teacher for forty years in all grades of schools, as well as universities, and yet had never struck a blow. There has been recently tried in Newport, Rhode Island, and there is now pending in the State of New Jersey, indictments against school teachers, where death has been the result of excessive flogging.

It may be said however, that this is merely anticipating or providing against abuses which have never arisen, or are not likely to arise, in this College. Those who are familiar with the history of the institution know that the power of personal chastisement has been abused; and instances have occurred where it became necessary to dismiss officers for cruel and wanton beating. But before these offences swelled into such magnitude as to culminate in the tardy justice of dismissal, who can count the rankling wrong which many a poor child had to submit to without redress? Some of the Committee who were then in the Board, remember, that within three years a Prefect took a child of infirm health from the sound sleep of his bed, and although in mid-winter—in the month of January, if they remember right—whipped him, without other clothing than his shirt, until, as was asserted by the boy and his friends, the marks of those cruel stripes remained upon his person for a month. They recollect the many weeks of sickness, almost unto death, which followed this unusual whipping, and they remember the investigation that took place, and how the Board divided on the subject, and the crimination and recrimination that ensued, and the scandal within and without the institution that followed, until the mother, getting her child home on a visiting day, refused

to allow him to return, and submitted to the disgrace of expulsion sooner than permit him longer to remain within the exercise of such power. It is needless to say, that if this rule had been enforced, and this officer had been obliged to refer the case to the President, no such punishment, as to time or place, could have occurred.

It is said, however, in this communication, that the Rule was found to work badly, and was repealed. The statement as thus made is incorrect in fact. The then President of the College was absent frequently from the institution, and under those circumstances, the Board, by resolution, allowed him, on his responsibility, to delegate the authority to punish to such as he chose. He did delegate this power to certain, but not by any means a majority of the officers, but he fettered it with the condition, that in every instance where a boy claimed an appeal the rod must be stayed until he heard the case himself. In either, principle or practice, it did not differ virtually from the present Rule.

As this question has been raised by an officer, the Committee desire that the Board shall squarely meet it. If the Rule is sustained it will insure that no corporal punishment hereafter can be administered under passion, or undue excitement; it will take away the constant reference to the rod for every petty offence, as the easiest enforcement of the officers' authority; and it will cultivate the self-respect and sense of justice of the child, who will recognize in the head of the institution the missing Father, who will hear him kindly and judge him impartially. On the other hand, the authority and dignity of the officer will not be lessened, for the President will take care that where such punishment is merited it shall be inflicted, and the punishment in such a presence will carry with it a weight, will be invested with a dignity and a judicial character far beyond what it now possesses.

Another Rule to which the communication takes exception is, that visitors to officers will register their names on the book at the Lodge, with that of the person they wish to see. The writer says: That this Rule "is a very objectional one," "involving a kind and an amount of private inquisition against which the heart of every freeman must revolt." "That he was pained and humiliated when he read it;" and asks, pathetically, whether "he is an object of distrust to the Directors," and whether "they desire to search into the pri-

vate affairs of himself and family." He is satisfied, he says, "that his friends would rather refuse to visit him than to do so in conformity with the Rule:" and after a touching allusion to the single blessedness of certain of the ladies, winds up by saying, that "no woman of spirit would deign to concede "this power."

The Committee, with great earnestness, would assure the Board that in republishing a Rule which has been in existence from the first day, when twenty years ago the gate was opened, they did not really anticipate such momentous consequences. How could they have foreseen the direful results, which for the first time were to proceed from this violation of a freeman's right; the rupturing of all family ties; the lonesomeness and savage seclusion that was to follow; and above all, that they were dooming to an eternity of singleness those estimable ladies for whom they feel so much interest, and whose welfare they would so gladly promote.

It is really difficult to treat with seriousness such objections, except in view of the petulance which seeks for so many imaginary reasons and passes over the obvious one that originated this regulation. In all institutions, and especially in one of the character, the size, the population and the nature of Girard College, some restrictions and regulations with regard to visitors, are indispensable. In the case of ordinary visitors, a ticket or permit is required, and the name of the visitor, and he who gives the permit, is registered. In the case of friends of officers no permit is asked for, but they are only required to enter their names and the officer visited. What otherwise is to hinder improper persons from entering, day or night, under pretence that they call to see some one whom they do not know or intend to go near? Slight as is this restriction, it has been found sufficient to keep *out* those who seek to enter either to have access to the pupil, to see the servants, to gratify curiosity, or who, from worse motives try to get in, and would not hesitate to use an officer's name. And what is there in this restriction which justifies such extraordinary complaints? When a gentleman visits in society he does not hesitate to send up by the servant his name and that of the lady or gentleman he calls to see. But even if the regulation did cause any inconvenience, if it conduced to the discipline and safety of the institution, the officers should cordially acquiesce in it. Institutions are

not created for officers, but officers for institutions, and when they accept situations they do so under the implied understanding that they will conform pleasantly and cheerfully to all regulations which are designed for the efficiency, safety and discipline of the place.

The communication also refers to the rule, which says, that on Saturday the schools *may* be dismissed at 11 o'clock. It appears that for some time past the schools have been dismissed at 10 o'clock, and the officers seem to fear that the additional hour of instruction might be resumed. As the rule does not say that the schools *must* or *shall*, but *may* be dismissed, and the whole matter is in the direction of the President, it is not necessary to dwell longer upon it.

In conclusion, the Committee having given careful consideration to the paper thus referred to them, find nothing in it which requires that the rules as adopted by the Board should at this time, at least, be amended. It is impossible that any system should meet the approval of every person employed in Girard College. Every department of officers will probably differ as to the relative merits, powers, rights and privileges of the other; and perhaps the Committee ought to be gratified that out of sixty-six distinct rules, the spirit which dictated this paper could find flaws but in four.

The code should be carried into effect at once fully and in good faith, and when, after a reasonable trial defects are discovered, there is fairness enough in the Board to make the necessary alteration. They recommend the Board to adopt the following resolution:

Resolved, That the paper signed George J. Becker be laid upon the table, and that the President of the College be instructed to forthwith cause the code of rules adopted September 26th, to be fully carried into effect.

ALBERT C. ROBERTS,

Chairman of Committee.

